

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

RECEIVED
SDNY PRO SE OFFICE COMPLAINT

Ralph Rodriguez Din # 17A0928
Plaintiff

Under The Civil Rights Act
2022 MAR 16 PM 2:42
42 U.S.C 1983 and The

AGAINST

Edward Burnett..et al
Defendant

Americans With Disabilities
Act Title II 42 U.S.C 12132
and 12133 and Section 504
Of The Rehabilitation Act

Plaintiff Ralph Rodriguez Din number 17A0928, whom is incarcerated at Fishkill Correctional Facility, Located at P.O Box 1245 Beacon New York 12508, Depose and States the following allegation as true and correct;

NATURE OF ACTION

1. This is an action to recover money damages arising out of Defendants Violation of Plaintiffs Rights as secured by the Civil Rights Act, 42 U.S.C 1983, under the FIRST, FIFTH, SIXTH EIGHTH, and FOURTEENTH AMENDMENTS to the UNITED STATES CONSTITUTION, and The AMERICANS WITH DISABILITIES ACT TITLE II and SECTION 504 OF THE REHABILITATIONS ACT.

JURISDICTION AND VENUE

2. This action is brought pursuant to 42 U.S.C 1983 and the Americans with Disabilities Act title II, and section 504 of the Rehabilitations Act pursuant to 28 U.S.C 1331, 1343(3) and 1343(4).

3. This court has pendent or supplemental jurisdiction over all claims brought under NEW YORK STATE LAW to 28 U.S.C 1367.

4. Pursuant to 28 U.S.C 1391(b), venue is proper in the SOUTHERN DISTRICT of NEW YORK, because the events forming the basis of Plaintiffs Complaint occurred within that District.

PARTIES/DEFENDANTS

1. EDWARD R, BURNETT (Superintendent) at FISHKILL CORRECTIONAL Facility, was at all relevant times an employee of the STATE OF NEW YORK, within the DEPARTMENT OF CORRECTIONS, and is being sued in his INDIVIDUAL and OFFICIAL capacity.

2. AKINOLA FRANCI, AKINYOMBO (Deputy supt corr HCF2) at FISHKILL CORRECTIONAL FACILITY, was at all relevant times an employee of the STATE OF NEW YORK, within the DEPARTMENT OF CORRECTIONS, and is being sued in his INDIVIDUAL and OFFICIAL capacity.

3. DAVACHI M SULLIVAN (Nurse Practitioner) at FISHKILL CORRECTIONAL FACILITY, was at all relevant times an employee of the STATE OF NEW YORK, within the DEPARTMENT OF CORRECTIONS, and is being sued in her INDIVIDUAL and OFFICIAL capacity.

4. SALLY A, REAMS (IGP Supervisor) at FISHKILL CORRECTIONAL FACILITY, was at all relevant times an employee of the STATE OF NEW YORK, within the DEPARTMENT OF CORRECTIONS, and is being sued in her INDIVIDUAL and OFFICIAL capacity.

5. JOHN F, WOODS (Deputy Supt Progm) at FISHKILL CORRECTIONAL FACILITY, was at all relevant times, an employee of the STATE OF NEW YORK, within the DEPARTMENT OF CORRECTIONS, and is being sued in his INDIVIDUAL and OFFICIAL capacity.

6. ALEXANDRA AYANA GIBBONS (Correctional Officer) at FISHKILL CORRECTIONAL FACILITY, was at all relevant times an employee of the STATE OF NEW YORK, within the DEPARTMENT OF CORRECTIONS, and is being sued in her INDIVIDUAL and OFFICIAL capacity.

7. LUIS GONZALEZ (Asst Dep Supt) at FISHKILL CORRECTIONAL FACILITY, was at all relevant times an employee of the STATE OF NEW YORK, within the DEPARTMENT OF CORRECTIONS, and is being sued in his INDIVIDUAL and OFFICIAL capacity.

8. STEPHEN URBANSKI (Deputy Supt Security S3) at FISHKILL CORRECTIONAL FACILITY, was at all relevant times an employee of the STATE OF NEW YORK, within the DEPARTMENT OF CORRECTIONS, and is being sued in his INDIVIDUAL and OFFICIAL capacity.

9. SHARON L, FROST (Deputy Supt Admnv) at FISHKILL CORRECTIONAL FACILITY, was at all relevant times an employee of the STATE OF NEW YORK, within the DEPARTMENT OF CORRECTIONS, and is being sued in her INDIVIDUAL and OFFICIAL capacity.

10. CHARMAINE WAYLON (Nurse Admr 01) at FISHKILL CORRECTIONAL FACILITY, was at all relevant times an employee of the STATE OF NEW YORK, within the DEPARTMENT OF CORRECTIONS, and is being sued in her INDIVIDUAL and OFFICIAL capacity.

11. STATE OF NEW York

PARTIES/DEFENDANTS

EDWARD R, BURNETT - AKINOLA FRANCI, AKINYOMBO - JOHN F, WOODS -
LUIS GONZALEZ - STEPHEN URBANSKI - SHARON L, FROST - CHARMAINE
WAYLON -

Are also being sued under SUPERVISOR LIABILITY (RESPONDEAT SUPERIOR), for the responsibility of their subordinate because after learning of the violation through letters and grievances and being personally informed failed to remedy the wrong, as well as allowing this custom to continue, and for being grossly negligent in that they did not adequately supervise the subordinates whom violated plaintiffs Federally Protected Rights.

PLAINTIFFS INJURIES and DISABILITY

In 2010, plaintiff was stabbed multiple times and experienced serious injuries to the abdomen, requiring several surgical procedures and removal of portions of the spleen and intestines.

Plaintiff was also stabbed on both arms and the right wrist. the injuries to plaintiffs right wrist and arm included diagnosed nerve, artery, and tendon damage resulting in ongoing pain, numbness, tingling and weakness in the entire right upper extremity below the shoulder, and required removal of portions of the muscle. The injuries to plaintiffs left arm resulted in pain and numbness in the area of the wound to date.

Plaintiff also suffers from diagnosed chronic lower back pain caused by issues in the lumbar region of the spine prior to plaintiffs incarceration, and chronic pain in the neck, legs and having flat feet causes pain to date.

Prior to and throughout plaintiffs incarceration, plaintiff was diagnosed with bipolar disorder and anti-social personality disorder, and plaintiff also suffers from anxiety, claustrophobia, and depression.

Plaintiffs medical and psychiatric condition substantially limited several major life activities, including but not limited to caring for myself, eating, sleeping, lifting, communicating, writing, typing, and working. Both individually and collectively, these physical impairments constitute a disability under the Americans with Disability Act, 42 U.S.C 12102.

Defendants were provided notice of plaintiffs medical condition

and disability as well as needs on or about January 10, 2015, and at various points during plaintiffs detention thereafter, and indeed receiving medical confirmation of plaintiffs disability from medical contractors employed with the Department Of Corrections Community Supervision.

Despite having notice and being in possession of medical documents Defendants at various points and in time acted with Deliberate Indifference to plaintiffs medical conditions and disability, which exacerbated and exacerbating plaintiffs prior injuries and causing additional pain an suffering, and failed to make Reasonable Accommodations, as well as intentionally denying plaintiff the benefits of a program, service or activity, all incidents provided within plaintiffs Federal Civil Rights Claim.

INCIDENT # 1

1. Plaintiff has been incarcerated since 2015, and has in the past filed suit against D.O.C.C.S for Civil Rights Violations as well as AMERICANS WITH DISABILITIES ACT TITLE II violations please see Ralph Rodriguez VS City Of New York 15-CV-7945(ALC) (SDA).

2. Plaintiff is fully aware of the Prisoners Litigation Reform Act(P.L.R.A), and how important it is to grieve issues and, fully exhaust administrative remedies.

3. Plaintiff had been trasfered to Fishkill Correctional Facility on or about the end of 2019, and once plaintiffs Federal Civil Rights as well as Americans with Disabilities rights were being violated at Fishkill Correctional started to submit grievances to the IGP(Inmates Grievance Program).(see Exhibit A)

4. After weeks of waiting for a response from IGP, and receiving none, plaintiff started to write letters to IGP inquiring why the grievances where not being resonded to.

5. When plaintiff got no response, plaintiff then started to ask the inmates within the facility about the grievance program, and how they operate within this facility.

6. Plaintiff was then informed that the grievance department is run by ms Reams, and her as well as the inmates that work for her are completely corrupt, and inadequate (see Exhibit B)

7. Plaintiff then started to write letters to the superintendent, and the administration to inquire why plaintiffs grievances were not being repoded to, but got no response..

8. Shortly after writing those letters, plaintiff was called down to the IGP office, and seen first hand what other inmates

was informing plaintiff about, regarding the IGRC(Inmate Grievance Responce Committee).

9. During the hearing the inmates whom are suppose to assist plaintiff regarding grievances, took adverse positions, failed to acknowledge any of the information, and evidence provided and attempted to have plaintiff sign off on the grievance which plaintiff refused to do.

10. Plaintiff has now been in Fishkill Correctional for on or about almost two years, and have filed multiple grievances, and not once was a grievance ruled in plaintiffs favor, regardless of the documents or evidence provided.

11. Many of the grievances that plaintiff submitted was ignored, and unanswered, failing to provide plaintiff with a grievance number, so plaintiff would be unable to full exhorst the administrative remedies, that are suppose to be available.

12. All grievances submitted was done so in accordance with Directive 4040 of the IGP, which was (1) plaintiff submitted the grievance, (2) plaintiff waited over three weeks for a responce and when none was recieved or was plaintiff writen to appeal to the superintendent and (3) after three weeks of receiving no responce or a reponce requested an appeal to the C.O.R.C.

13. Todate plaintiff had recieved no reponce from C.O.R.C and no remedies has been available.

14. Letters writen to IGP requesting copies of the IGP rules on what to do if grievances was unanswered and no grievance number provided went unanswered, and ignored.

15. All grievances that was repoded to was denied, and some completely ignored the subject matter of the grievance please

see (Exhibit C).

16. When plaintiff would go to the law library, which is directly next to the IGPS office, plaintiff would hear ms Reams speaking out loudly about inmates grievances, laughing about there subject matter, and how they where written.

17. Plaintiff has been told by other inmates about violent reprisals, and reprisals done in general when inmates grieve the wrong correctional officer or staff member.

18. The grievance system here at Fishkill correctional Facility is non existing and inadequate.

19. Plaintiff has never once had a grievance ruled in plaintiff favor within this facility regardless of evidence or documents provided.

20. Since plaintiff has been in fishkill correctional there has been only on or about one IGRC election, and pier directive 4040 there is suppose to be one every six months but isnt, and even when there was the same inmates who work for miss Reams are chosen, proving the election is rigged.

21. These same inmates are chosen by ms Reams because they convince inmates to write off on there grievances and not move forward regardless of how valid there issues are.

22. These inmates do this for special treatment such as getting put into the best dorms within the facility, and other things.

23. Ms Reams has used her authority and position as a means, and way to impede, frustrate and destroy inmates attempts of exhaustion there administrative remedies, making the grievance

procedure nonexistent and inadequate.

24. Ms Reams is well aware of the PLRA, and how important it is for inmates to exhaust, and absent exhaustion could lead to valid claims being dismissed for failure to exhaust.

25. Plaintiff had submitted grievances about ms Reams actions, and failure to act that also went unanswered and ignored.

26. Letters was sent to the superintendent Burnett, and the administration about her actions and conduct that went unanswered see (Exhibit D).

27. Plaintiff had seen the superintendent in the walkway, and informed him personally about ms Reams, and still he did nothing to correct or assist in any way.

28. The superintendent Burnett, and his administration here at Fishkill Correctional has failed to oversee their employee ms Reams who has caused the wrong written within this claim, and by hiring an unqualified personnel, and failed to adequately train their staff member that has created a custom that allowed the wrong to occur.

29. The defendants are fully responsible for their failure to correct these actions, and properly supervise their employee, and was personally put on notice, and with written letters.

30. Plaintiff has attempted to keep as many copies as possible as proof and exhibits but due to constant searches many documents was destroyed, as a form of retaliation for plaintiffs writing of grievances.

31. Ms Reams actions, and failure to properly assume her duties has frustrated, and impeded plaintiffs attempt of filing a non

frivolous claim in the court of claim.

32. Ms Reams actions was deliberate, and done with malicious intent resulting in actual injury see (Exhibit E).

33. Plaintiff had filed a grievance, and after weeks of getting no response, and letters requesting the status and what to do next if grievance went unanswered was ignored as well.

34. Plaintiff wrote to appeal to the superintendent which was also ignored, and weeks later plaintiff requested an appeal to C.O.R.C all in accordance with the IGP rules all went unanswered and by then the statue of limitations had run out.

35. Ms Reams had abused her authority, and due to her actions, and failure to preform her duty rendered plaintiffs right to petition grievances, and exhaust administrative remedies unavailable, due to her actions, and custom she created and which was known to Administration.

36. Plaintiff is fully aware of the Prisoners Litigations Reform Act, and knows how to exhaust administrative remedies, and any claims by defendants requesting any dismissal of plaintiffs claim for failure to exhaust administrative remedies, should be disregarded by this honorable court, and plaintiff attempted to grieve, and exhaust each and every issue raised within this claim with no success.

This is plaintiffs sworn affidavit of the way the IGRC system is ran within Fishkill Correctional Facility.

INCIDENT#_2

37. Plaintiff has been incarcerated since 1-10-15 to date and, D.O.C.C.S is fully aware of plaintiffs medical and disability which is on file within D.O.C.C.S records.

38. While plaintiff was incarcerated at Rikers Island Correctional Facility, that facility had refused to accommodate plaintiffs request for an EGG CRATE(A Supportive Padding), or extra mat, to assist plaintiffs severe medical issues regarding plaintiffs back.

39. Plaintiff then filed a Federal Civil Rights Complaint under section 1983, and Americans with Disabilities Act title II, please see Rodriguez v City Of New York 15-CV-7943 2018 WL 1276826, Southern District Of New York.

40. Defendants agreed that plaintiff should have received a Reasonable Accommodation for an EGG CRATE, due to plaintiffs disability, and medical condition, and a settlement was reached in plaintiffs favor.

41. At all times Defendants was aware of plaintiffs medical condition and disabilities, with documentation, and medical records within the custody of D.O.C.C.S and in Fishkill Correctional Facility.

42. Plaintiff was transferred from Five Points Correctional Facility from Rikers Island, and an application for Reasonable Accommodation was made, and approved by Five Points Correctional due to plaintiffs medical history, and disabilities, see (Exhibit F).

43. The bed frames used within the department of correctional

are metal(Steel), with no support of any kind, and the mats give out to inmates also have no support, and are almost paper thin, and the courts have been ruled that these mats used for long periods of times are unethical, inadequate, and prolong use especially by inmates with medical conditions or disabilities can rise to the level of cruel and unusual punishment.

44. Plaintiff was transferred to Fishkill Correctional Facility on or about the end of 2019, and a Reasonable Accommodation request was made a number of times, and all was denied by defendant M. Sullivan-Davachi see (Exhibit G).

45. Plaintiff quickly filed a grievance following all the steps of Directive 4040, and P.L.R.A, and as usual ignored or denied.

46. Plaintiff then started to make multiple sick call request, before being seen, and when plaintiff seen ms Sullivan, plaintiff brought all the medical records, and case law regarding the issue, and ms Sullivan stated " I dont give out EGG CRATES or EXTRA MAT Passes because I dont think they help out".

47. I then explained to her fully the extent of my medical condition, and disabilities, but she refused to honor anything, and I then stated to her "how can you make that assumption when your not an expert in that field of medicine" and she then stated "well if you dont like the way I handle things then you can write a grievance", knowing fully well that grievances mostly dont do anything to assist inmates within this facility.

48. Plaintiff then filed a grievance against ms Sullivan, and medical following all the steps of Directive 4040, and the

P.L.R.A with no resolution of any kind.

49. Plaintiff also wrote letters to the administration, and the Deputy of Health Akinyombo Akinola Franci, and Dep Woods, both being told personally as well with no resolution of any kind.

50. Multiple sick call request was made once again, and when plaintiff finally got called to be seen, once again seen Akinyombo explaining things fully, and he stated "Ill look into it", but nothing was done.

51. When plaintiff went to see the sick call nurse after regarding the extreme pain and suffering due to being forced to sleep on the mat with no support, she called ms Sullivan, and I was sent to her office.

52. Plaintiff told ms Sullivan that I needed to be put back on my pain medication Gabapentin about 2400mg, but she told me "we dont give out that medication in this facility", and she then prescribed me Meloxican which did nothing at all to help with the pain.

53. After multiple sick call request made again before being seen by ms Sullivan, plaintiff explained the medication wasnt helping, and requested to be seen by pain management, and a Back Brace to help with the pain.

54. It took plaintiff almost about a year to see pain management and get a back brace, and when the pain management doctor seen me he stated "Why havent you been getting your pain medication", I then explained fully how medical at Fishkill is inadequate, and provides below minimum standard of care, and he stated " well you should get

your medication and even stronger, Ill write it up", but when plaintiff seen ms Sullivan again she refused to give me any of the medication referred by the pain management doctor, and instead provided a cream Diclofenac Sodium topical Gel 1%, which did nothing to help with the pain.

55. This complaint isnt a complaint on the medication provided but the Deliberate Indifference the defendants did to plaintiffs severe medical condition, and disabilities in refusing to grant a Reasonable Accommodation, and failure to provide the proper medication to a pre diagnosed condition, providing below minimum standard of care in direct violation to plaintiffs Federal Civil Rights causing cruel and unusual punishment, and violating plaintiffs American with Disabilities Act Title II rights.

56. Since plaintiff entered Fishkill Correctional todate, defendants knew and disregarded the severe infliction of unwanton infliction of pain and suffering that was clearly apparent, and failed to remedy a wrong that they knew was occurring, and by not granting plaintiffs request for a Reasonable Accommodation violated plaintiff civil rights, and caused plaintiff to suffer extreme pain and suffering deliberately and was indifferent to plaintiffs medical condition and disabilities, that affected plaintiff mentally, and emotionally causing injury with a prior showing of physical injury that was more than "DE MINIMIS".

57. Due to plaintiffs actions, failure to act and Deliberate Indifference to plaintiffs medical, and disabilities plaintiff suffered extreme pain and suffering, loss of sleep, depression, weight loss, and was unable to attend recreation, breakfast due

to the pain, and suffering upon waking up, was denied a program, service or activity, also causing mental, and emotional damages due to defendants Deliberate Indifference to plaintiffs serious medical needs.

58. Letters written to Administration, superintendent BURNETT, and the Dep of Health AKINYOMBO was ignored, all of whom failed to adequately train, investigate, and insure this custom of care provided by ms Sullivan, and the health care staff was put to a stop, and they was all put in direct notice both directly, and indirectly via letters, failing to remedy a wrong, and act while in a position of authority to act, which was a Direct Deliberate Indifference to plaintiffs medical care, and disability, causing extreme pain and suffering.

59. This is a sworn testimony of the standard of care given to plaintiff while incarcerated at Fishkill Correctional Facility, as well as other inmate please see (Exhibit H).

INCIDENT# 3

60. On 12-31-21 officer Gibbons Alexandra Ayana worked my housing unit 9-1, which is located within the main, and the moment she started working, it was apparent that she was very upset, distraught, irritated, and was acting in an unprofessional manner, by being extremely disrespectful to the inmates within the housing unit.

61. On 12-30-21 multiple officers (C.E.R.T) came into my housing unit, and immediately started to assault multiple inmates(7), myself included, for no probable cause but for the intent of harming us, and I was severely injured see(Exhibit I)

62. When ms Gibbons walked around the dorm, and reached my cubical I was laying down on my bed, with my foot raised in a bandage wrapped up, as well as my wrist due to the injuries from the brutal assault the day prior, and it was clearly apparent I was injured, and in pain.

63. She looked at me, hissed and seen I was using two mats because it was medically necessary, and she yelled at me saying "GET THAT MAT OFF YOUR BED NOW"; and I tried to explain to her that when I went to medical there was no room in the ICU, and the nurse told me to use an extra mat to help, but she said "I dont care who said what, get it off now".

64. I got up off the bed in severe pain and informed her due to the injuries C.E.R.T caused I need help, she then stated "I read the log book, and know what happen yesterday, and I dont care", and started to put on her gloves.

65. I started to have severe anxiety, and told her I need my neighbor to help me, but she entered my cubicle, and started

tossed my mat to the floor.

66. I then tried to explain to her that she was taking the wrong mat leaving me with a ripped up paper thin mat, and she stated "You had your chance now Im taking which ever one I want"

67. As I tried again to tell her the seriousness of my injuries she turned to me, and told me to come with her, taking me outside the dorm into the hallway and said " now you stand here and stare at the wall until Im done", I then told her my injuries to my foot wont allow me to stand she said " I dont care, you stand there staring at the wall or Ill pull my pin, and make sure you get really hurt"

68. It was then that I complied due to the traumatic event that happen the day prior, and stood with my nose touching the wall staring at it.

69. After 20 minutes of waiting due to the pain I fell down hitting my head, and injuring my head, neck, back, wrist and ankle severely injuring myself further due to officer Gibbons direct indifference to my medical condition, in retaliation to me making claims of filing suit against her co workers for what they did to me.

70. some of the inmates within my unit seeing me fall down in the hallway see (Exhibit J), alerted ms Gibbons to what happen, and she came seeing me injured she pulled her pin, and a code green (Medical Emergency) was called, and medical came and had to wheelchair me to medical.

71. At medical I received as usual below the below minimum

standard of care, being only one crutch, and sent back to my housing unit, but an injury report was made see (Exhibit K).

72. When I got to my cubical all my property was thrown on the floor, and some damaged including my legal documents, and I found out that ms Gibbons was not only retaliating against me but was in a bad mood because she had to do overtime and it was New Years Eve, so she was taking out her anger on me, being malicious Indifferent to my medical condition and disability, and did so with intent and in bad faith, and I filed a civil complaint against her under civil service law 75(1)(2)(3) see (Exhibit L), and a grievance was filed following all the steps pier directive 4040, and P.L.R.A which was completely ignored, and this is a sworn testimony of the events that had occurred that day.

INCIDENT # 4

73. Plaintiff arrived at Fishkill Correctional Facility on or about the end of 2019, and was moved to the facility as a preference Transfer to attend the College program, and plaintiff filled out the application to NYACK college.

74. Plaintiff was called down to the school building, and took the entry exam as well as filled out the essay, which was simple for plaintiff to fill out because plaintiff was a high school graduate with honors in the late 90s.

75. All of plaintiffs school records are within the custody of the D.O.C.C.S, and after filling out the application plaintiff waited weeks for a response, and wrote to the school supervisor, whom wrote back saying " although you did well on the exam there was no room left to place plaintiff into college, and plaintiff had to wait for the next semester".

76. Plaintiff waited for the next entry exam, and doing everything as previously states with the same results, and plaintiff then wrote to the superintendent inquiring why plaintiff was not being accepted into the college program.

77. Plaintiff received a letter back see (Exhibit M), and was informed on the letter that because plaintiff was disabled plaintiff could not attend the college program.

78. Plaintiff immediately wrote a grievance stating that plaintiff was being discriminated against due to plaintiffs disability status, and there was multiple inmates within the program with medical conditions, and that the facility was in direct violation to the Americans With Disabilities Act Title II, and section 504 of the Rehabilitations Act.

79. Attempts to resolve this discrimination, and denial of being able to attend a program, service or activity that the facility offers to other inmates with no success, and plaintiff seeing the Dep supt for program mr woods within the housing unit informed him fully of the incident, he stated "Ill look into it", but did nothing to assist in any way.

80. Letters to the Administration asst dep supt. of program mr Gonzalez, Academic supervisor ms Mulligan, Superintendent Burnett, all went unanswered and the issue ignored, and all defendants was on full notice of plaintiffs issue, but all was deliberately indifferent to plaintiffs medical condition and disabilities, as well as their violation of plaintiffs Civil rights under State and Federal Constitution as well as the ADA title II, and 504.

81. Plaintiff attempted to exhaust administrative remedies in accordance to directive 4040, and the P.L.R.A with no resolution, and these allegations are a sworn testimony of plaintiffs Discrimination and violation of State and Federal civil rights, as well as the ADA title II and Rehabilitations Act 504.

INCIDENT # 5

82. Upon plaintiff arriving at Fishkill Correctional Facility it was clearly apparent that the facility was an old prison with deplorable, and sordid conditions, with a hostile environment because of lack of cameras unlike plaintiff last facility Five Points which had numerous cameras, making acts of violence less likely to occur, by both inmates, and officers alike.

The housing unit plaintiff was first housed in was 6-2 main, which had multiple health code and building violations, and is now currently shut down, and the housing unit plaintiff now resides in is 9-1 which also had multiple issues that puts inmates health and safety at jeopardy.

83. The housing unit plaintiff is in as well as all the housing units, it has problems with the lighting, plumbing with leaking pipes especially in the bathroom making puddles of water, soiled light shields, broken windows, clogged ventilation in the kitchen, and shower, cracked walls, and ceilings exposing asbestos, cracked floors that are also warped.

84. the bathroom is decrepit with mildewed walls and ceilings as well as the showers, with deteriorated asbestos insulation, an absence of vacuum breakers, sewage treatment deficiencies, stained walls, floors and ceilings, with antiquated water supply system throughout the facility.

85. There is rodent and roach infestation, dilapidation, and directly attached to the main building is a condemned building.

86. There are no cameras in the main building or 21A which houses the inmate population leading to an increase of violence among inmates, and assaults by officers on inmates.

87. Mats given to inmates to sleep on are stained, broken and

old giving no support, and are unusable.

88. There is a constant shortage of hygiene products, and the tissue that the facility is suppose to provide inmates are always a shortage, and those same tissues the facility puts on commissary so inmates are forced to buy these items that are supposed to be supplied free, and the toilets constantly leak, get clogged, and sewage waist consisting of urine and feces are mixed within the leakage, as well as many toilets, and showers are inoperable within the unit.

89. Cleaning materials such as mops are never new, and are constantly washed, and reused making them inefficient to clean with, and are damaged, as well as brooms, and toilet scrubbers.

90. The dorm is infested with roaches and mice that is so severe they are in everything, and mice droppings are clearly apparent, ruining plaintiff commissary, and package food products, especially the kitchen and living areas.

91. Within the facility there are countless cats that are feral which the correctional officers feed constantly, and they carry fleas as well as ticks that get into the facility living area, as fleas as well as ticks that get into the facility living area, as well as raccoons.

92. Request for maintenance repair rarely get answered as well as the pest control person who rarely comes, and when he does he does a horrible job placing a few drops of roach poison, and a few sticky traps, nothing more, and plaintiff wont see him again till the issue is grieved by multiple inmates.

93. Letters to the superintendent is ignored, and plaintiff grieve

the issue following all the steps of the IGRC and P.L.R.A with no resolution

94. This is a sworn testimony of the condition of confinement within Fishkill Correctional Facility, see (Exhibit N)

INCIDENT # 6

95. While plaintiff was incarcerated at Fishkill Correctional Facility, multiple attempts was made to go to the law library, which consisted of filling out a request form, and having to wait weeks to be placed on a call out.

96. Every other facility plaintiff had went to, all that had to be done to get to the law library was to request it on the go around, or mark it on the movement board, but not at Fishkill.

97. All most everything at Fishkill is done differently than any other facility, making things harder from accessing the law library to going to sick call

98. When plaintiff finally got on the call out to go to the law library, once again plaintiff experience many issues such as lack of supplies, such as request for typing paper, pens, envelopes, manila envelopes, white out, correction tape, motions, rule and directives etc, was in severe short supply or not available at all, for prolong periods of time.

99. A request for copies was always denied by the law library officer ms Dinkins against the Directive stating an advancement can be made to inmates for copies, meanwhile this directive was never honored by officer Dinkins refusing to allow plaintiff to make the copies needed intentionally interfering with access to the court.

100. Plaintiff grieved the issue, and just like with every other grievance nothing was done to remedy the wrong, even when the directive stated otherwise, and letters was submitted to Administration, and the superintendent about her actions, and failure to act.

101. The policy that Fishkill C.F implements is inmates must fill out a disbursement, and would have to wait weeks to receive the pink slip(disbursement copy), and then plaintiff can go to the law library to make copies, but must then wait weeks to get put on a call out, all steps that impede, frustrate and is inadequate.

102. Currently due to all the complaints made on ms Dinkins, her actions, and failure to act she was removed from the law library but not prior to her impeding plaintiffs attempt to access the court, and a non-frivolous claim was impeded see (Exhibit E).

103. After plaintiff submitted a grievance following all the steps, and when receiving no response or resolution plaintiff then started filling out request to get to the law library to have the notice of intent to file a claim notarized, plaintiff waited weeks with no success, and the time frame to file a notice to file a claim had expired.

104. Plaintiff then wrote letters to the law library inquiring on what plaintiff should do next with no response.

105. Pier directive the law library is suppose to provide some type of legal assistance, but didnt.

106. Plaintiff after many letters was finally granted special access to the law library, and every time plaintiff goes to the law library there is something vital needed, and not available for example its been months since the law library had carbon paper, which is vital to make copies because plaintiffs current funds are limited, and copies would amount to a significant amount.

107. Plaintiff had attempted to grieve all these issues with no success following all the procedures to Directive 4040, and the P.L.R.A with no resolution of any kind, and still to date the law library is severely inadequate, and letters to the Administration does nothing to rectify the problems, all being done so in bad faith, and purposely to impede plaintiff as well as other inmates attempts of accessing the court see (Exhibit O), these are plaintiff sworn testimony of the inadequacy at the law library within Fishkill Correctional Facility.

INCIDENT # 7

108. When plaintiff arrived at Fishkill Correctional Facility, Defendant was in possession of all of plaintiffs medical records, and was in full notice of plaintiffs Disabilities.

109. When plaintiff was denied a Reasonable Accommodation request for an EGG CRATE or EXTRA MAT PASS, and was denied plaintiff started experiencing extreme pain, and suffering, and multiple medical sick call request was made and ignored see (Exhibit P).

110. request to be placed back on plaintiffs medication was denied by plaintiffs medical provider ms SULLIVAN, and multiple letters to administration personnel mr AKINYOMBO AKINOLA FRANCI, whom plaintiff informed personally was ignored.

111. The defendants showed deliberate indifference to plaintiffs medical needs, and grievances only had defendants take adverse positions to plaintiffs medical needs.

112. Plaintiff use to have a tens unit which Defendant ms SULLIVAN took away from plaintiff stating "That tens unit is not suppose to be used for a prolong period of time", see (Exhibit Q), and plaintiff explained to ms SULLIVAN that the medication she prescribed did nothing to help with the pain and suffering and that the tens unit was the only thing helping but she refused to listen, and ordered plaintiff to turn it in which plaintiff did.

113. Plaintiff condition worsen, and request to get physical therapy was ignored, and request to be placed back on plaintiffs original medication GABBAPENTIN 1600mg was denied, ms SULLIVAN stating clearly that she does not prescribe that medication to inmates.

114. Plaintiff prior to being incarcerated was on heavy pain

killers due to the severity of plaintiffs medical and disability condition, and at all times defendants refused to place plaintiff on any of those medications even though plaintiff was on them in the past for example morphine 30mg.

115. When plaintiff was assaulted by five officers on 12-30-21, and when defendant GIBBONS ALEXANDRA AYANA, retaliated against defendant on 12-31-21, causing plaintiff to get severely injured, medical took 12 hours to see plaintiff that day see (Exhibit R), and prescribed no medication.

116. When plaintiff seen defendant ms SULLIVAN she stated "your on Diclofenac Sodium Topical Gel 1%, you can use that for the pain", plaintiff fully explained that the cream does nothing to help with the pain but ms SULLIVAN refused to prescribe anything stronger, and ms SULLIVAN is only a NP, and never once in all the time in Fishkill Correctional never once seen a doctor, or a medical personnel qualified to assist plaintiffs medical condition or disability.

117. The D.O.C.C.S is well known for providing the least expensive treatment possible to save money, and cares little of the pain and suffering inmates endure, and far to often deny inmates the proper medication, and medical care needed see (Exhibit S).

118. Defendants at all times was Deliberately Indifferent to plaintiffs medical condition, and Disability, denying REASONABLE ACCOMMODATIONS, and proper medication, including therapy, knowing full well that plaintiff was and would suffer extreme pain, and suffering, and did nothing to help or assist in any way providing

below minimum standard of care, and their actions and failure to act was done in bad faith, and with malicious intent, as a form of retaliation for plaintiff grieving defendants failure to remedy a wrong they new of, and created.

119. Administration was at all times aware of medical and defendants lack of proper medical care because plaintiff wrote letters, and informed them personally of what was going on with medical, such as defendant AKINYOMBO and superintendent BURNETT, failing to supervise and ensure a custom created by medical staff was remedied, and plaintiff grieve all the issues fully following all the steps of the IGRC with no resolution or assistance of any kind.

120. Plaintiff has been incarcerated in a number of facilities and has never seen as much corruption, deliberate indifference and complete disregards to inmates health and safety as plaintiff has seen here at Fishkill Correctional, as well as officers physical abuse on inmates, and plaintiff is in hopes and prayer that this 1983 claim against defendants could shed light on the corruption within this facility.

121. this is a sworn testimony of the lack of medical care given to plaintiff at Fishkill Correctional Facility.

CAUSE OF ACTION INCIDENT # 1

Defendant(s) are being sued in both their individual and official capacities for the violation of Plaintiffs Federally Protected Constitutional Rights Under The

First Amendment

fifth Amendent

Sixth Amendment

Eighth Amendment

Fourteenth Amendment

Due Process Clause Under the Fifth & Fourteenth Amendment

Equal Protection Clause Of The Fourteenth Amendment

P.L.R.A 42 U.S.C 1997e(a)

122. The Prison Litigation Reform Act (P.L.R.A), is a federal law that significantly affects section 1983 claims, and all of the P.L.R.A requirements must be completed prior to beginning any lawsuit as an incarcerated individual.

123. The need to exhaust all the administrative remedies available, such as grievances, and appeals are detrimental to any suit, for failure to exhaust could have complaints dismissed see (Booth v Churner 532 U.S 731, 741,121 S.CT 1819, 1825,149 L.ED 958, 967,(2001).

124. Defendant ms Sally A. Reams is the inmate grievance program supervisor, and is fully aware of how important it is to grieve, and is fully aware of what failure to exhaust can have, and the details of the IGP program can be found in D.O.C.C.S Directive 4040 and 4041, as well as in title 7 of the Codes, Rules and Regulations Of The State Of New York Directive 4002 describing the inmate liaison committees(ILC) concerning prisoners welfare.

125. The IGRC within Fishkill Correctional Facility is completely corrupt under ms Reams supervision, and the Administration staff is fully aware of her actions and failure to act, and allows her unlawful conduct, actions and violations to continue because it helps the facility in saving face, and disallows lawsuits to move forward.

126. They are fully aware of these violations due to vast amount of grievances, letters, and claims that has be made, yet do nothing to correct, and remedy the violations.

127. The First Amendment protects the right of people as well as inmates to petition the government, and personnel in a position

to redress the grievances made see U.S CONST, AMEND 1, stating that grievances filed through an official grievance procedure are Constitutionally protected see (Hoskins V Lenear 395 F.3d 372, 375 (7th cir 2005)).

128. The First Amendment also protects communication with Official agencies and complaints addressed directly to prison officials see (Pearson V Welborn 471 F.3d 732, 741 (7th cir 2006)).

129. Plaintiff written multiple Grievances, letters and request made on what to do if grievances went unanswered as well as request for the grievance policy which was ignored, denied or unanswered which is a violation see (Brengettey V Horton 923 F.3d 674, 682 (7th cir 2005)).

130. The P.L.R.A says inmates must exhaust remedies "THAT ARE AVAILABLE", and if remedies are not available can proceed forward with a claim without having to exhaust see (Abney v McGinnis 380 f.3d 663, 667 (2d cir 2004)).

131. A remedy is available if it has any authority to provide any relief or to take any action whatsoever in response to a complaint, and the provision clearly does not require a prisoner to exhaust administrative remedies that do not address the subject matter of a complaint see (Snider V Melindez 199 f.3d 108, 114 (2d cir 1999) see also (Exhibit C)).

132. Prisoners are also not required to file a grievance on any matter the inmate grievance procedure would not address or on a matter that cant be remedied see (Mcgrath V Johnson 67 F.supp 2d 499, 510-11(E.D.Pa 1999)).

133. If inmates are told that an issue cant be grieved or resolved by the IGRC or staff then exhaustion is excused see (Davis V Frazier 1999 WL 395414 *4 (S.D.N.Y June 15, 1999)).

134. The IGP falls within the P.L.R.A, and is a provision of the United States Code that address Civil Rights Litigation, and in Forma Pauperis proceedings, and the Sixth and Fourteenth Amendment involve Access to the Courts, and Due Process Clause.

135. Plaintiff has shown with Affidavits, Exhibits and Sworn Testimony that reasonable attempts were made to exhaust, and was unsuccessful see (Lane V Doan 207 F.supp 2d 212 W.D.N.Y 2003) and under New York State Exhaustion requirement the grievance procedure states that it is "Intended To Supplement Not Replace Existing Formal or Informal Channels Of Problem Resolution see (Marvin V Goord 255 F.3d 40, 43 n.3 (2d cir 2001) see also (Gibson V Brooks 335 F.supp 2d 325, 331-34 (D.CONN 2004)).

136. Inmates knowing that threats of violent reprisals or were told of violent reprisals occurring due to attempts to grieve can also render administrative remedies unavailable or other wise justify an inmates failure to exhaust see (Stanley V Rich 2006 WL 1549114 *2 (S.D.Ga June 1)).

137. When grievances gets no response then plaintiff had exhausted see (Brookins Vogel 2006 WL 3437482 *3 (E.D. Cal Nov.28,2006), and when there is non responses or a grievance is ignored then remedies are unavailable see (Lewis V Washington 300 F.3d 829, 833 (7th cir 2003)).

138. When plaintiff received no decision on any grievance, appeal and written IGP on what to do next, and failure to respond

or answer rendered exhaustion requirement filled see (Brengettcy V Horton 423 F3d 674, 682 (7th cir 2005)).

139. Multiple attempts were made by plaintiff to grieve issues and exhaust but was not replied to then exhaustion was made see (Lane v Doan 207 F.supp 2d 212 (W.D.N.Y 2003)).

140. Ms Reams being the supervisor of the IGP has used her authority, and position as a form of denying plaintiffs right to grieve and access the court and by failing to follow her duties has violated plaintiffs Constitutional Rights under the First Amendment as well as others, and defendant is in direct violation to the code of ethics which prohibits IGRC members from preventing a prisoner from filing a grievance, and improperly disclosing confidential information violating the Code Of Ethics as a member staff, and a member of the staff is suppose to have a tactful attitude, with working knowledge of her duties as well as awareness of their responsibilities under the IGP which me Reams is in full violation of, as well as her superiors, in ensuring there staff is in accordance with the rule, procedures and directives in place of the D.O.C.C.S

141. Section 1983s first requirement is that a plaintiff must show that your constitutional State or Federal statutory rights were violated by a person, city or municipality, and ms Reams is a person employed by the Department Of Corrections, and Directly participated in the wrong as well as created a custom that allowed the wrong to occur.

142. The second requirement is that the person who violated plaintiffs rights was acting under color of State Law, and was

acting under the states authority, and ms Reams was at all times an employee of a state prison at Fishkill Correctional Facility, and the third requirement is that the person plaintiff is suing have deprived plaintiffs right, and or privilege under the Constitution and or Federal Statutory Right, which ms Reams has violated plaintiffs rights under the First, Sixth, and Fourteenth Amendment including the Federal Statutory right of the P.L.R.A 1997 e(a).

143. The following defendants was informed of ms Reams actions personally and with letters as well as multiple grievances made by both plaintiff and other inmates which plaintiff has included in the sworn affidavits provided as exhibits, her superiors whom all had personal knowledge of Reams actions, failure to act, and violations allowed the wrong to continue, and was told personally by plaintiff when they walked through the facility dorms, being defendants Deputy Supt Admin Sharon L, Frost, Deputy Supt Program John F, Woods and Superintendent Edward R, Burnett.

CAUSE OF ACTION INCIDENT # 2

Defendant(s) are being sued in their Individual and Official Capacities for their Violations Of Plaintiffs Federally Protected Civil Rights Under The Americans With Disabilities Act Title II 12132 and 12133 and The Rehabilitation Act 504

Including 42 U.S.C 1983 Under The Eighth Amendment

144. The Americans With Disabilities Act Title II, as well as The Rehabilitation Act 504, states that a prisoner with disabilities or handicaps are protected by both the constitution under State and Federal Statutes, and prison regulations may also provide some protections for disabled prisoners.

145. Constitution protections under the Eighth Amendment, case law has stated that prison officials must meet the medical needs of prisoners with disabilities, and furnish the assistance that they require in order to live a minimally decent life in prison see (Ruiz V Estelle 503 F.supp 1265, 1345 (S.D.Tex 1980), and denial of physical therapy to those who require it is a violation of their Civil Rights see (Miller v King 384 F.3d 1248, 1261-62 (11th cir 2004)).

146. Prisons are subjected to a limited Eighth Amendment obligation to make prison facilities accessible to inmates with disabilities (Ruiz V Estelle 503 F.supp 1265, 1345 at 1346), and negligent failure to place a prisoner with neurological problems in a suitable facility or program can lead to cause of actions see (Muhammad V U.S 6F supp 2d 582, 594-95(N.D.Tex 1998)).

147. Discrimination against prisoners with disabilities may deny equal protection of the law if there is no rational basis for there actions, and the Federal Disability statues Under the ADA Title II and Section 504 of the Rehabilitation Act 29 U.S.C 794 applies to prisoner see (Crawford V Indiana Dept Of Corrections 115 F.3d 481, 486 (7th cir 1997)).

148. Courts have heard claims under these statutes and in some cases "GRANTED SIGNIFICANT RELIEF", if defendants knowingly

violated prisoners rights see (Bane V Virginia Dept Of Corrections 267 F.supp 2d 514, 520 n.2 (W.D.Va 2003)).

149. Evidence that defendants excluded prisoner from a participation in some program supported a claim under the ADA see (Rouse V Plantier 997 F.supp 575, 582 (D.N.J 1998), and Title II of the ADA "public entity" section provides that "No qualified individual with a disability in or shall be denied the benefits of the SERVICES, PROGRAMS or ACTIVITIES of a public entity or be SUBJECTED TO DISCRIMINATION by any such entity see 42 U.S.C 12132(1)(b) see also (Thompson V Davis 295 F.supp 890, 897-98 (9th cir 2002)).

150. Prison officials had excluded Plaintiff from attending a program because of his disability violating the ADA see (Exhibi M) and see also (Mitchell v Massachusetts Dept Of Correction 190 F.supp 2d, 204, 212 (D.Mass 2002), and the disability statutes require that a prisoner can not be excluded from or denied the benefits of a service, program or activity, which defendants did to plaintiff by denying a Reasonable Accommodation for an EGG CRATE, or EXTRA MAT PASS, as well as denying plaintiff the opportunity to enter the COLLEGE program because of plaintiffs disability see (Exhibit G and M).

151. To show exclusion from or denial of the benefits of a service, program or activity plaintiff must show one of several things (1) Disparate treatment, meaning intentional discrimination and requires a showing that hostility towards disable persons was a significant factor in the defendants actions under the ADA or Rehabilitations act 504 (2) Disparate

impact meaning the application of facially neutral standards that have an unlawful discriminatory effect upon a protected class (3) Failure to make REASONABLE ACCOMMODATIONS for plaintiffs disability(42 U.S.C 12131).

152. Plaintiff has shown with the exhibits and claims within this Federal Civil Rights Complaint that defendants violated one or all of these standards especially (3) for failing to provide Reasonable Accommodations that in no way had a rational basis for their actions, and Accommodations are deemed unreasonable only if they impose undue financial and administrative burdens which plaintiff request in no way did see also (Southeastern Community College V Davis 442 U.S 397, 412, 99 S.ct 2361, 1979), or require a fundamental alteration in the nature of the program, which plaintiff request to enter into the college program would have in no way created.

153. Thus under both these statutes defendants can be required at least to some degree to change the way they operate, change physical structures, provide affirmative assistance so that the disable person can have access to their program, service and activity see (Gorman V Easley 257 F.3d 738, 751 (8th cir 2001).

154. A plaintiff does not have to show disparate treatment or disparate prisoner does not have to be completely excluded from a service, program or activity to have a claim, and it is enough if access is made unusually difficult, painful or dangerous by failure to accommodate see (Schmidt V Odell 64 F.supp 2d 1014, 1033 (D.Kan 1999).

155. Plaintiff is Fully disable with limited use of the right

are with nuerological issues as well, and defendants denied plaintiff Reasonable Accommodations, as well as plaintiffs request to be placed into the college program intentionally discriminating against plaintiff meanwhile the college program had inmates with both disability and medical conditions, and plaintiff strongly feels this denial was done as a form of retaliation for plaintiffs writing of grievance and multiple letters to the administration.

156. Defendants knew of plaintiff disability and failed to compensate plaintiff in any way or assist, and at all times *defendants* was aware of plaintiff disability, request and denials and did nothing to help, all while in possession of plaintiffs medical record.

157. Plaintiff attempted to get assistance writing a grievance with no resolution and letters written to the administration went unanswered, and all of plaintiffs request to be put on proper medication, and even physical therapy request denied by the medical provider ms Sullivan and the dep of health Akinyombo did nothing to assist.

158. Defendants actions and failure to act has violated plaintiff ADA title II rights as well Discriminated against plaintiff, along with retaliation against plaintiff for writing grievances, all in violation of plaintiffs Federally protected rights under the nature of actions plaintiff has moved forward with.

CAUSE OF ACTION INCIDENT # 3

Defendant(s) are being sued in both their individual and official capacities for the violation of Plaintiffs Federally Protected Constitutional Rights Under The

Fifth Amendment

Eighth Amendment

Fourteenth Amendment

P.L.R.A 42 U.S.C 1997e(a)

159. Defendant(s) GIBBONS ALEXANDRA AYANA actions against plaintiff was a Direct Deliberate Indifference to plaintiffs medical condition as well as Disabilities, and her actions was direct retaliation against defendant, all done with a CULPABLE STATE OF MIND.

160. Defendant Knew that her actions would cause plaintiff to suffer the extreme unwanton infliction of pain and suffering, doing so while plaintiff was suffering severe medical issues, and her action contributed to plaintiff having severe injuries to the head, neck, back, leg, knees, and ankle as well as exasperating already existing injuries.

161. Often times there is no direct evidence of a retaliation claim so prisoners must rely on circumstantial evidence see (Bennett V Goord 343 F.3d 133, 138-39 (2d cir 2003), but plaintiff has provided sworn affidavits, and documentation as exhibits.

162. Types of evidence that have been found to support retaliation claims include the suspicious timing of the adverse actions shortly after the prisoner has made a complaint or filed a grievance which plaintiff did both of immediately after plaintiffs incident described within the complaint see also (Mays V Springborn 575 F.3d 643, 650 (7th cir 2009)).

163. Adverse actions that is based on flimsy or suspect evidence can still constitute a retaliation claim see (Bruce V Ylst 351 F.3d 1283, 1288 (9th cir 2003), and departures from usual prison procedures in actions against the plaintiff is a violation see (Cornell V Woods 69 F.3d 1383, 1388-89 (8th cir 1995)).

informing the Superintendent with a copy of the complaint with no response and so plaintiffs is moving forward with this Federal Civil Rights Complaint against Defendants for failure to supervise an employee, correct a wrong that was done and to insure this type of behavior and action which is a constant issue within Fishkill Correctional Facility is put to a stop.

164. Courts have held that retaliation for expressive activity will be upheld if it satisfies the Turner V Safely standard by being reasonably related to Legitimate Penological Interest which defendants actions were not see (Rhodes V Robinson 408 F.3d 559, 567-68 (9th cir 2005), meaning the expressive activity was not really protected in light of the limits on the First Amendment rights of prisoners.

165. Defendant acted maliciously and intended to cause plaintiffs harm which was severe and serious, and in no way was necessary under the circumstances, and the excessiveness of defendants actions was a violation of the Eighth Amendment as well see (Hudson V Mcmillian 503 U.S 1, 6, 112 S.ct 995, 998-99, 117 L.Ed 2d 156, 165 (1992).

166. The defendants action was in bad faith, malicious and sadistically, intended to cause plaintiffs injury, and was a violation of the Eighth Amendment, and was a form of discrimination against plaintiffs disabilities and medical condition.

167. Defendant caused a Substantial Risk to Plaintiffs Health and Safety, and Knew about the Risk and was Deliberately Indifferent to plaintiffs medical and disability condition and at all times had the intent to cause harm, and her action caused plaintiff severe mental and emotional injury with a prior showing of injury see (Exhibit T)

168. Plaintiff filed a grievance about her actions and followed all the steps of the IGP with no response, and plaintiff even filed a Civil Service Law Complaint 75(1)(2)(3) due to the seriousness of defendants actions and Plaintiffs injuries

CAUSE OF ACTION INCIDENT # 4

Defendant(s) are being sued in both individually and official capacities for the violation of Plaintiffs Federally Protected Constitutional Rights Under The

Americans With Disabilities Act Title II

Rehabilitation Act 504

Equal Protection Clause Of the Fourteenth Amendment

169. Plaintiff constitutes with the issues described within this Federal Civil Rights Complaint that Defendants Knowingly at all times Discriminated against plaintiff due to his disabilities and medical condition see (Exhibit M), a letter inquiring why plaintiff has not been accepted into the college program or puppy program despite having an exceptional disciplinary record and meet all the standards of qualifications, including taking the college exam a number of times doing exceptional as well in both the essay and question test, and the letter sent to the Superintendent Burnett, was sent to Administration personnel stating that "Thank you for your interest but due to my medical/disability I am unable to program", making it clear that I was being denied a program and discriminated due to my medical and or disability.

170. The Americans with Disabilities Act Title II and Rehabilitation Act 504 make it clear that prisoners can not be discriminated or denied a program, service or activity due to a medical condition and or disability which defendants clearly did.

171. Plaintiff attempted to resolve the issue writing a grievance and informing the Superintendent as well as Administration staff Dep Woods and Dep of Health Services A kinyombo with no assistance of any kind.

172. Plaintiff attempted multiple times to enter these programs with no success and if plaintiff would have had a chance to enter these programs could have earned the EARNED ELIGIBILITY PROGRAM, time credit to allow plaintiff to be Conditionally Released six months earlier but since was denied and discriminated against was

unable to having to do a longer prison sentence.

173. Plaintiff is an individual with a disability, and was well qualified to enter into any of the programs available to earn the Earned Eligibility Credit time but was discriminated against, and there is a number of prisoners within the Department Of Corrections that have a Disability or Medical issue, and is in these programs.

174. Plaintiff strongly feels that due to the grievances and letters written to the Administration staff (Defendants), they had purposely had plaintiff excluded from entering these programs as well because as plaintiff has stated a number of times within this complaint the staff at Fishkill Correctional Facility are corrupt, sadistic, and unprofessional in all manners of speaking and instead of the goal of rehabilitation has abused their position and authority in all manners of ways.

Plaintiff being allowed to enter into these programs in no way would have caused any modifications of any kind and there was no Penological Interests in plaintiffs denial and discrimination into any of these programs and all defendants mentioned within this claim was well aware of the situation and could have remedied the problem but refused to or didnt care to assist plaintiff in any way.

175. For all the reasons stated within this claim plaintiff was discriminated, denied and excluded from a program, service or activities and plaintiff now moves forward with this Complaint to ensure no other prisoner is discriminated against or denied the same opportunity as any other prisoner within D.O.C.C.S.

CAUSE OF ACTION INCIDENT # 5

Defendant(s) are being sued in both individual and official capacities for the violations of Plaintiffs Federally Protected Constitutional Rights Under The

Eighth Amendment

Cruel and Unusual Punishment

For Poor Prison Conditions

176. A sanitary environment is a basic human need that a penal institution must provide for all humans see (Toussaint V Mccarthy 597 F.supp 1388, 1411 (N.D.Cal 1984), and prison must have functioning plumbing systems, operable sinks and toilets to ensure the risk of conveying water born diseases and vermin infestation do not occur see (Carty V Farrelly 957 F.supp at 736).

177. Courts have found serious deficiencies in plumbing to violate the Eighth Amendment both in individual housing units and in prisons as a whole see (Gates V Cook 376 F.3d at 341), and infestation by vermin may also violate the Eighth Amendment see (Gates V Cook 376 F.3d at 340).

178. Proximity to human waste even for relatively brief periods of time has been of serious concern to the courts in sanitation cases see (Despain V Uphoff 2621 F.3d 965, 974, (10th cir 2001), and the Deliberate Indifference standard states that officials must be shown to have known of unsanitary conditions to be held liable, which in plaintiffs claim at all times Defendants was made aware, knew and seen these conditions.

179. Prison officials can not escape their responsibilities for maintaining sanitary condition of confinements by blaming the prisoners or by ignoring the situations see (Blake V Hall 668 F.2d 52, 57-58 (1st cir 1981), and prison officials can use inmates to keep the prison sanitary yet it is still the officials responsibilities to provide adequate supplies, maintain fixtures, equipment, and ensure the cleaning activities are done by the prisoners and or staff see (Hoptowit v Spellman 753 F.2d 779, 784

(9th cir 1985).

180. State or local health or sanitation codes can be used to support unconstitutional claims of confinement see (Davis V Scott 157 F.3d 1003, 1006 (5th cir 1998), and prison official are required to provide clean clothes, bedding, toiletry, soap and toilet tissue see (Board V Farnham 394 F.3d 469, 481-82 (7th cir 2005)).

181. Prison Officials must provide functioning toilets and plumbing to the population see (Fischer V Winter 564 F.supp 281, 302 (N.D.Cal 1983) and prisoners can not be kept in living conditions without the above see (Kimbrough V Oneil 523 F.2d at 1058-59.

182. Prison officials must also provide reasonably safe living and working environments for prisoners see (Helling V Mckinney 509 U.S 25, 33, 113 S.ct 2475 (1993), and in extreme cases courts may order unsafe facilities to be closed down.

183. Prisoners are entitled to living conditions that does not threaten their mental and physical well being see (Ramos V Lamm 639 F.2d 559, 568 (10th cir 1980), and alleging that unsafe conditions violate the Eighth Amendment can be supported when prison officials have deliberately been indifferent to the safety of prisoners by exposing them to dangerous conditions or toxic substances see (Herman V Holiday 238 F3d 660, 663-65 (5th cir 2001)).

184. Courts have cited exposure to friable asbestos as raising constitutional questions if a genuine health hazard is possible see (Smith V U.S 561 F.3d 1090, 1094, 1105 (10th cir 2009), and

ventilation is a fundamental attribute of shelter and sanitation both of which is a basic need see (Minifield V Butikofer 298 F.supp 2d 900, 904 (N.D.Cal 2004)).

185. Many courts have held inadequate ventilation unconstitutional see (Benjamin V Fraser 343 F.3d 35, 52 (2d cir 2003), and inadequate or excessive heat as well see (Wilson V Seiter 501 U.S 304 111 S.ct 2321 (1991)).

186. Prison officials must repair broken windows, screens, and ventilation systems see (Benjamin V Fraser 344 F.3d at 53-54), and the forced exposure of prisoners to extreme outdoor weather conditions also violate the Eighth Amendment se (Johnson V Lewis 217 F.3d 726, 734-35 (9th cir 2000), and unrepaired windows throughout winter can state a claim see (Gaston V Coughlin 249 F.3d 156, 164-65 (2d cir 2001)).

187. Extreme cold, severe discomfort with imminent threat to health can state a claim see (Dixon V Godinez 114 F.3d 640, 642-45 (7th cir 1991), and Plaintiff has been subjected to each and every one of these conditions stated above, and has even been injured due to the conditions of confinement within Fishkill Correctional Facility, and Defendants at all times knew of these conditions both directly being informed by plaintiff and by grievances that did nothing to assist in any way.

188. As plaintiff is completing this Federal Complaint the dorm has broken windows and is freezing and the Administration does nothing to assist in any way, and when inspectors come around are only taken to dorms that are considered honor dorms which is clean and has little issues yet the dorms of the population has a

vast numbers of issues in violation of plaintiff Eighth Amendment, which has caused plaintiff injury and future risk to health and safety.

CAUSE OF ACTION INCIDENT # 6

189. Law Libraries are supposed to be adequate, effective and meaningful, and must provide prisoners with pens, paper, carbon paper, notary services, etc, as well as legal assistance see (Bounds V Smith 430 U.S 817, 822, 97 S.ct 1491 (1977)).

190. within plaintiffs complaint prison officials interfered with an actual injury complaint that was not frivolous, and attempts to pursue legal actions were impeded.

191. Prison officials not only frustrated, impeded and claims but did so with intent, as well as grievances being ignored and failed to remedy the wrong see (Lewis V Casey 518 U.S 343, 351-53, 116 S.ct 2174 (1996)).

192. The inadequacies and restrictions caused plaintiff actual injury by causing obstacles that impaired the ability to present ones claim and grievances effectively see (Cody V Weber 256 F.3d 764, 768 (8th cir 2001)).

193. Multiple times plaintiff had encountered searches that destroyed vital documents impeding access to the court see (Purkey V ECA detention Center 339 F.supp 2d 1145, 1152 (D.Kan 2004)), and the system/ policy in place within Fishkill Correctional on attempting to access the law library is severely inadequate and severely delays plaintiffs attempts to access the court, and purse legal actions properly.

194. Multiple times plaintiff attempted to get assistance from other prisoners and the law library officer would intervene and the courts have well settled that prisoner can assist other prisoners especially when the law library is inadequate see (Johnson V Avery 389 U.S 483, 490, 89, S.ct 747, 751, 21 L.ed 2d

718, 724 (1969), and at no time did the facility provide plaintiff assistance or documents requested.

195. The severe lack of supplies was so extreme that typing paper was not available at times as well as carbon paper which on its own is a violation see (Bounds v Smith), things were so bad that pens or pencils was not available and plaintiff with a hand, arm disability that prevents plaintiff from writing properly is a claim on its own see (Canell V Bradshaw 840 F.supp 1382, 1391, (D. Or 1993)).

Grievances did nothing to correct the issue as well as letters to Administration personnel and plaintiff tried in multiple attempts informing them of the lack of supplies, notary at times, legal assistance and the fact that inmates that worked in the law library would charge a fee or not assist at all, all having no remedy.

197. Plaintiff has shown with documents within the complaint how inadequate and corrupt the Facility is and getting meaningful access to the law library to pursue a valid claim would be just one of many violations within the facility and plaintiffs non frivolous claim being time barred is enough to file claim, for all the reasons stated access to the court was impeded and an adequate law library was non existence with Fishkill Correctional Facility, and this is a sworn testimony of Plaintiff.

CAUSE OF ACTION INCIDENT # 7

198. Plaintiffs claim contained facts, with documents of the lack of medical care at Fishkill Correctional Facility, as well as medical negligence and malpractice, and at all times Defendants was aware of their actions and Deliberate Indifference to plaintiffs Medical need and Disability.

199. Since prisoners cannot obtain their own medical services the Constitution requires authorities to provide them with "Reasonably Adequate Medical Care" see (Newman V Alabama 559 F.2d 283, 291 (5th cir 1978), and courts have defined adequate medical services as services at a level reasonably commensurate with modern medical science and of quality acceptable within prudent professional standards see (Fernandez V U.S 941 F.2d 1488, 1493 (11th cir 1991)).

200. As a level of health services reasonably designed to meet routine and emergency medical, dental and psychological or psychiatric care see (Tillery v Owens 714 F.supp 1256, 1308 (W.D.Pa 1989), and failure to provide adequate medical care may justify an injunction or damages see (Glaus V Anderson 408 F.3d 382, 387 (7th cir 2005)).

201. The fact that the medical care may be expensive does not excuse prison officials from providing it see (Harris V Thigpen 941 F.2d 1495, 1509 (11th cir 1991)).

202. Prisoners who are denied adequate medical care like plaintiff within state or local institution may use 42 U.S.C 1983 to sue prison medical care providers see (West V Atkins 487 U.S 42, 108 S.ct 2250 (1988), and the supreme court has stated that Deliberate Indifference to serious medical needs of prisoners

constitutes the unnecessary and wanton infliction of pain, proscribed by the Eighth Amendment see (*Estelle V Gamble* 429 U.S 97, 104, 97 S.ct 285 (1976)).

203. The Deliberate Indifference standard requires a plaintiff to show that the defendants had actual knowledge of an objectively cruel condition and or risk which plaintiff have stated and proven see (*Farmer V Brennan* 511 U.S 825, 837, 114 S.ct 1970 (1994)), and a medical provider who does not treat a patient properly because they didnt realize how sick the plaintiff was or the problem was (is) medical malpractice.

204. Medical malpractice that include a misdiagnosis or non diagnosis resulting from failure to exercise ordinary knowledge, skill and care does constitute malpractice see (*Coppage V Mann* 906 F.supp 1025, 1040, 1049 (E.D.Va 1995)).

205. If there is evidence direct or indirect that shows medical staff should have known of a medical condition then they can be help liable see (*Vaughn V Gray* 557 F.3d 904, 909 (8th cir 2009)).

206. The same is true where non-medical personnel fail to act but there is evidence that they did know the patient was ill or at risk such as defendant Gibbons see (*Estate Of Carter V City Of Detroit* 408 F.3d 304, 310, 312-13 (6th cir 2005)), and if plaintiff has a medical condition that could cause a serious health problem and defendants disregarded it such as plaintiff then defendants can be found deliberately indifferent see (*Dominguez V Correctional Medical Services* 555 F.3d 543, 550 (6th cir 2009)).

207. Direct evidence of deliberate indifference can be caused by

the acts or statements of prison personnel directly demonstrated in plaintiffs claim as indifferent or hostile attitude towards prisoners medical needs is a violation see (Greeno V Daley 414 F.3d 645, 654 (7th cir 2005), and denial or delay of access to medical care, personnel, hospital or failure of medical personnel to deal with the prisoners problem or to do so timely is deliberate indifference see (Scott V Ambani 575 F.3d 642, (6th cir 2009)). 208. Denial of access to medical personnel qualified to exercise judgement about a particular medical problem or whom simply lack medical qualifications like so many medical personnel within fishkill medical with inadequate training is a violation to plaintiffs rights see (Williams V Edwards 547 F2d 1206, 1216-18 (5th cir 2007)).

209. Failure to inquire into essential fact that are necessary to make a professional judgement, may state an Eighth Amendment claim see (Tillery V Owens 719 F.supp 1256, 1308 (W.D.Pa 1989) ~~affd~~ 907 F.2d 418 (3d cir 1990)), and failure of medical personnel to ask necessary questions or take a history or failure to conduct test needed or therapy such as plaintiff is also a violation see (Comstock V Mccrary 273 F.3d 693, 709 (6th cir 2001)).

210. Failure to carry out medical orders such as the pain management doctors recommendation for plaintiff involve failure to prescribe medication see (Board V Farnham 394 F.3d 469, 484 (7th cir 2005), or the failure to act on recommendations of procedures as well see (Johnson V Lockhart 941 F.2d 705, 706-07 (8th cir 1991)).

211. Plaintiff can also receive damages for pain and suffering due to medical personnels failure to act or provide proper care see (Coleman V Rahija 114 F.3d 778, 787 (8th cir 1997) and see (Boretti V Wiscomb 930 F.2d 1150, 1154-55 (6th cir 1991)).

212. The medical needs of plaintiff consist of many that had been diagnosed by physicians as mandating treatment, and it was obvious that even a lay person would easily recognize the necessity of treatment see (Brown V Johnson 387 F.3d 1344, 1351 (11th cir 2004)).

213. The Eighth Amendment prohibits the unnecessary and wanton infliction of pain and defendants actions and failure to act violated plaintiffs federally protected rights deeming actions see (Estelle V Gamble 429 U.S at 104), and the courts have held that the objective evidence of pain is not necessary, when self-reporting may be the only evidence see (Hayes V Snyder 546 F.3d 516, 523 (7th cir 2008)).

214. Plaintiff has provided as much testimony, sworn affidavits and documents of exhibits as proof of defendants violation of plaintiffs rights which caused the severe pain and suffering in violation to the Eighth Amendment, and denial of a Mat alone is grounds for a claim see (Moore V Morgen 922 F.2d 1553, 1558, (11th cir 1991)).

Plaintiff is in hopes this honorable court grants plaintiffs request because all attempts to resolve the issues within complaint by grievances, letters and court actions has done nothing to assist, and Defendants knew their action and failure to act would cause plaintiff significant damages, pain and suffering.

CAUSE OF ACTION UNDER

The FOURTEENTH AMENDMENT 42 U.S.C 1983

AND

SUPERVISOR LIABILITY (RESPONDEAT SUPERIOR)

215. Plaintiff incorporates by reference the allegations set forth in paragraphs 1 through 214, as though set forth fully herein, that defendants, collectively and individually, while acting under color of State Law, engaged in conduct that constituted and unconstitutional customs, usages, practices, procedures, or rules Defendants and D.O.C.C.S.

216. The aforementioned customs, policies, usages, practices, procedures, and rules of Defendants include, but were not limited to, denying plaintiff prompt access to medical care, and despite knowledge of imminent Medical and Disabilities needs, denying plaintiff possession and usage of medical devices and medication under the pretense of denying plaintiffs Reasonable Accommodations under the Americans with Disabilities Act despite actual knowledge of substantial pain, suffering and future health and safety.

217. Denying plaintiff access to sanitary facilities, denying proper bedding during incarceration, denying medical services, and the confiscating of medical equipment (Tens Unit) prescribed by an authorized medical personnel absent pre-deprivation notice and hearing with respect to the seizure and destruction of non-contraband personal property with the pretense of disciplinary actions done if plaintiff did not give up a needed medical equipment.

218. In addition Defendants engaged in a policy, custom, or practice of inadequate screening, hiring, retaining, and supervising its employees that was the moving force behind the violations of plaintiffs rights. As a result defendants failure

to properly recruit, screen, train, discipline and supervise its officers and individual defendants, the defendants had been Deliberately Indifferent to, and has tacitly authorized and ratified, the acts and conduct complained of herein.

219. The foregoing customs, policies, practices, procedures, and rules of Defendants constituted Deliberate Indifference to the safety, medical needs, and constitutional rights of plaintiff and further violated plaintiffs right to PROCEDURAL DUE PROCESS.

220. The foregoing customs, policies, usages, practices, procedures, and rules of defendants were directly and proximate cause of the constitutional violations suffered by plaintiff as alleged herein, and supervisory personnel had direct and indirect knowledge of all the issues made within complaint and failed to act and remedy a wrong they knew was going on.

221. As a result of the foregoing customs, policies, usages, practices, procedures and rules defendants implemented, plaintiff suffered serious harm, including but not limited to serious pain to Head, Neck, Back, Arm, Wrist, Leg and trouble sleeping, eating, loss of property, anxiety, nervousness, and substantial pain and suffering while being denied prompt medical care, and adequate medical care and medical services needed such as therapy.

CAUSE OF ACTION UNDER

The Americans With Disabilities Act Title II 42 U.S.C

NUMBERS 12102 and 12133

AND

SECTION 504 OF THE REHABILITATIONS ACT

222. Plaintiff incorporates by reference the allegations set forth in paragraphs 1 through 214, above as though fully set forth herein.

223. At the time plaintiff was incarcerated at Fishkill Correctional Facility on or about the end of 2019 to date that defendants knew of, and was in possession of documentation that plaintiffs physical condition was such that I suffered from a physical impairment that substantially limited plaintiffs major life activities, including but not limited to caring for myself, eating, sleeping, walking, lifting, communicating, writing, typing, and workin.

224. These physical impairments plaintiffs suffers is life long and are impairments that constitute Disabilities under the Americans With Disabilities Act 42 U.S.C 12101, 12133 and the Section 504 Of The Rehabilitation Act.

225. Defendants were provided notice of plaintiffs medical condition and disabilities on or about January 10, 2015 and thereafter through medical records in the possession, custody, or control of Defendants and D.O.C.C.S.

226. Defendants failed to provide plaintiff with Reasonable Accommodations despite knowledge of these disabilities and fail to ensure plaintiff received adequate medical care, medication, equipment and physical therapy.

227. Defendants failed to provide for procedures by which the State employees within D.O.C.C staff might evaluate plaintiffs request for Reasonable Accommodations and improperly denied plaintiffs request without adhering to the requirements of 42

U.S.C 12102, 12133 and section 504 of the rehabilitations act.

228. As a result of defendants failure to provide reasonable accommodations and adequate medical care, equipment, medication, services and despite knowledge of custom, practices and actions caused plaintiff to suffer substantial pain and suffering and possible future health and safety causing significant harm to plaintiff in violations of the above Laws.

EQUAL PROTECTION OF THE LAW

FOURTEENTH AMENDMENT U.S CONSTITUTION

229. The Fourteenth Amendment forbids a State to "Deny any person within its jurisdiction the equal protection of the Law", and Plaintiff incorporates by reference the allegations set forth in paragraphs 1 through 214, above as though fully set forth herein.

230. All persons similarly situated should be treated alike see (City Of Cleburn Tex V Cleburn Living Center 473 U.S 432, 439, 105 S.ct 3249 (1995), and to deny equal protection, discrimination must generally be intentional such as defendants action within complaint.

231. Equal protection forbid inequality that lacks justification, and the court have required three different levels of justification in different kinds of cases and the courts have held that prisoners equal protection claims are generally governed by the "REASONABLE RELATIONSHIP", test of Turner V Safley.

232. This standard expects prison officials to come forward with the actual reasons for their policies and provide some evidence or at least experience in support of it.

233. The Supreme Court held that prison racial discrimination is subject to strict scrutiny and the principle of deference to prison official judgment does not apply to cases involving racial discrimination.

234. Numerous decisions had held intentional racial segregation such as plaintiff with discrimination that is unlawful regarding prison jobs and programs see (Dewalt V Carter 224 F,3d 607, 618 (7th cir 2000), and in discipline also in housing, without making clear what legal standards they were applying.

235. Discrimination against Disable prisoners denies equal protection if it lacks rational basis such as the case with plaintiff, being treated differently from others similarly situated intentionally without rational basis states an equal protection claim as a "CLASS OF ONE", see (Village Of Willowbrook V Olech 528 U.S 564-65, 120 S.ct 1073 (2000)).

236. Defendants all knew of this discrimination and equal protection of the law violation against plaintiff both directly and indirectly and failed to remedy an issue and wrong they knew was occurring harming plaintiffs equal right to earn time credit off his sentence and to earn a college degree to better plaintiffs situation upon release.

DEMAND FOR TRIAL BY JURY

237. PLAINTIFF HUMBLY REQUEST A TRIAL BY JURY FOR ALL ISSUES SO TRIABLE AS A MATTER OF RIGHT AND LAW.

PRAYER FOR RELIEF

238. WHEREFORE, Judgment should be entered in favor of Plaintiff and against all the Defendants as follows;

(A) Compensatory damages as against all Defendants in an amount to be determined

(B) Punitive damages as against the Individual Defendants in an amount to be determined;

(C) Reasonable Attorneys Fees, together with costs and disbursements, pursuant to Americans With Disabilities Act title II , Section 504 Of The Rehabilitation Act, and 1988, as well as this courts discretion

(D) Pre-judgment interest as allowed by law and,

(C) Such Other Further Relief as the Court May Deem Just and Proper.

Plaintiff Humbly Request This Honorable Court Excuse Any Errors Made Within This Claim As Plaintiff Is Pro-Se And Is Not Familiar With The Law And Rules Of Court.

RESPECTFULLY SUBMITTED BY

A handwritten signature in black ink, appearing to read "Ralph Rodriguez", is written over a horizontal line.

Exhibit - A

Plaintiffs grievances
and letters written
at Fishkill Correctional
Facility

Ralph Rodriguez

Din #17A0928 Housing unit 9-1 bed 20
Fishkill Correctional Facility

1-20-22

IGP supervisor Ms Leans

I am writing to you because I need a copy of all the grievances I have filed within the facility, that have been processed and actually filed. I have submitted a vast amount of grievances within this facility and mostly all of them has been ignored and/or no resolution in my favor was made. I am in need of this list of grievances for litigation purposes, and am in hopes that you send me this list.

Thank you for your time.

Respectfully

Ralph Rodriguez

C.C.#1

E1

INMATE GRIEVANCE COMPLAINT

Grievance No. Fish kill

CORRECTIONAL FACILITY

Date: 12-31-21Name: Ralph Rodriguez

Dept. No.: _____

Housing Unit: 9-1Program: MI

AM

MI

PM

(Please Print or Type – This form must be filed within 21 calendar days of Grievance Incident)*

Description of Problem: (Please make as brief as possible) On the above date officer Gibbons worked my housing unit, and because I had two mattress for "medical reasons", she took me out my dorm into the hallway and told me to stare at the wall. I tried to explain to her that C.E.R.T had severely injured me and I couldn't stand but she threaten to pull her pin so I complied and after 20 minutes I fell down hurting my neck, back, head and knee. A Code Green was called and I was sent to medical because of her malicious retaliatory intent.

Grievant

Signature: Ralph Rodriguez

Grievance Clerk: _____

Date: _____

Advisor Requested

☐ YES☒ NO

Who: _____

Action requested by inmate: to report her actions of negligence, retaliation and malicious intent on a fully Disabled inmate with medical limitations of being unable to stand for prelong period of time and that was prior to CERT injuring me severely, including an ankle, leg injury.The Grievance has been formally resolved as follows: _____

This Informal Resolution is accepted:

(To be completed only if resolved prior to hearing)

Grievant

Signature: _____

Date: _____

If unresolved, you are entitled to a hearing by the Inmate Grievance Resolution Committee (IGRC).

* An exception to the time limit may be requested under Directive #4040, section 701.6(g).

E2

INMATE GRIEVANCE COMPLAINT

Grievance No. _____

Fishkill

CORRECTIONAL FACILITY

Date: 12-31-21Name: Ralph Rodriguez Dept. No.: _____ Housing Unit: 9-1Program: MI AM MI PM

(Please Print or Type – This form must be filed within 21 calendar days of Grievance Incident)*

Description of Problem: (Please make as brief as possible) On 12-30-21 C.E.R.T came into my housing unit and Brutally maliciously assaulted me and six other inmates. They severely injured my Neck, Back, head, knee, wrist, ankle, ribs and head. They destroyed my legal papers as well. An officer dressed in all black Riot gear grabbed me by my neck threw me on the floor and five others jumped me and in no way was they provoked. I am fully Disabled and there actions was purely malicious

Grievant

Signature: Ralph Rodriguez

Grievance Clerk: _____ Date: _____

Advisor Requested ☐ YES ☐ NO Who: _____

Action requested by inmate: To Report there actions, and have documentation on the Record.

The Grievance has been formally resolved as follows:

This Informal Resolution is accepted:
(To be completed only if resolved prior to hearing)

Grievant

Signature: _____ Date: _____

If unresolved, you are entitled to a hearing by the Inmate Grievance Resolution Committee (IGRC).

An exception to the time limit may be requested under Directive #4040, section 701.6(g).

ECJE3

FORM 2131E (REV. 6/06)

STATE OF NEW YORK - DEPARTMENT OF CORRECTIONAL SERVICES
INMATE GRIEVANCE COMPLAINT

Grievance No.

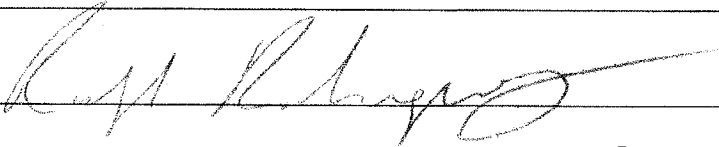
Fishkill

CORRECTIONAL FACILITY

Name Ralph Rodriguez Date 1-9-22
 Dept.No. 17A0928 Housing Unit 9-1
 Program medical Idle AM medical Idle PM

(Please Print or Type - This form must be filed within 21 calendar days of Grievance Incident)*

Description of Problem: (Please make as brief as possible) On 12-30-21 C.I.E.R.T (Correctional)
Emergency Response Team) came into my housing unit 9-1, and
destroyed multiple windows within the unit. The
housing unit is now freezing cold, and has been
since the day they came in.

Grievant
Signature

Grievance Clerk

Date:

Advisor Requested

☐ YES☐ NO

Who:

Action requested by inmate:

For the facility to fix the windows
that those officers destroyed, so the unit won't
be freezing cold.

This Grievance has been informally resolved as follows:

This Informal Resolution is accepted:

(To be completed only if resolved prior to hearing)

Grievant
Signature

Date:

If unresolved, you are entitled to a hearing by the Inmate Grievance Resolution Committee (IGRC).

*An exception to the time limit may be requested under Directive #4040, section 701.6(g).



FORM 2131E (REVERSE) (REV. 6/06)

Response of IGRC: FCF--101-21

5-13-2021

Grievance unfavorable: Per I.G.R.C. investigation, FCF-0245-20 notes, a grievant seeking a decision or an appeal of a decision otherwise attainable through the established procedures for inmate personal property claims, is non-grievable. I.G.R.C. recommends that grievant file a claim with the facility steward.

Date Returned to Inmate 5-13-2021 IGRC Members Sgt. A. M.Chairperson E. MullensA. Mullens FSP IIJ. Gordon
D. Froy

Return within 7 calendar days and check appropriate boxes.*

☐ I disagree with IGRC response and wish to appeal to the Superintendent.

☐ I have reviewed deadlocked responses.
Pass-Thru to Superintendent

☐ I agree with the IGRC response and wish to appeal to the Superintendent.

☐ I apply to the IGP Supervisor for review of dismissal
Signed _____
Grievant_____
Date_____
Grievance Clerk's Receipt_____
Date*To be completed by Grievance Clerk.*Grievance Appealed to the Superintendent _____
DateGrievance forwarded to the Superintendent for action _____
Date

*An exception to the time limit may be requested under Directive #4040, section 701.6(g).

ES

FORM 2131E (REVERSE) (REV. 6/06)

Response of IGRC: FCF-0273-21

10/20/21

Grievance Unfavorable, Per DSH"A" grievant's was seen on 10/9/21 by the clinic nurse who placed grievant on the call-out to see his provider. Noting, grievant was seen by the provider and received confirmation on what the nurse told grievant on 10/9/21. Directing grievant to follow up as needed with sick call.

Date Returned to Inmate 10-20-2021 IGRC Members

Chairperson

E. Mullins

[Signature]
ORA Fesi
[Signature]
D. Feny

Return within 7 calendar days and check appropriate boxes.*



I disagree with IGRC response and wish to appeal to the Superintendent.

(See Attachment)

I agree with the IGRC response and wish to appeal to the Superintendent.

I have reviewed deadlocked responses.
Pass-Thru to Superintendent

I apply to the IGP Supervisor for review of dismissal

Signed

[Signature]
 Grievant

10-23-2021
 Date

Grievance Clerk's Receipt

Date

To be completed by Grievance Clerk.

Grievance Appealed to the Superintendent



Date

Grievance forwarded to the Superintendent for action

Date

*An exception to the time limit may be requested under Directive #4040, section 701.6(g).

E6

 NEW YORK STATE Corrections and Community Supervision INMATE GRIEVANCE PROGRAM SUPERINTENDENT	GRIEVANCE NO. ECF #0269-21		DATE FILED October 12, 2021
	FACILITY FISHKILL CORRECTIONAL FACILITY		POLICY DESIGNATION Institutional
	TITLE OF GRIEVANCE EXTERMINATE ALL HUs		CLASS CODE 23
	SUPERINTENDENT'S SIGNATURE 		DATE November 2, 2021
GRIEVANT RODRIGUEZ, R.		DIN 17A0928	HOUSING UNIT MB-09-120

Grievant's action requested is denied with clarification.

Grievant is advised that an investigation has been conducted by the Office of the Deputy Superintendent for Administration. It was revealed that the pest control company comes on a weekly basis. Each week, the vendor is assigned to go to various units. The facility is so large, that all housing units cannot be completed in every week. The housing unit officer can call the Steward's Office to be added on the list for specific attention. It is noted that HU "9/1" has been added to the list. Grievant should request to the housing unit officer to have his cube baited.


vlr

xc: DSA Frost (w/case file)

APPEAL STATEMENT

If you wish to refer the above decision of the Superintendent please sign below and return this copy to your Inmate Grievance Clerk. You have seven (7) calendar days from receipt of this notice to file your appeal.* Please state why you are appealing this decision to C.O.R.C.

I'm appealing to C.O.R.C. because the facility is infested, and in almost 3 years in this facility I've seen the pest control man only 3 times, there is no excuse for him not to attend the dorms when his work was less than 15 minutes of work.

 _____
 GRIEVANT'S SIGNATURE



11-8-21

 DATE

 GRIEVANCE CLERK'S SIGNATURE

 DATE

* An exception to the time limit may be requested under Directive #4040, section 701.6(g).

 NEW YORK STATE Corrections and Community Supervision INMATE GRIEVANCE PROGRAM SUPERINTENDENT	GRIEVANCE NO. ECF #0270-21		DATE FILED October 5, 2021
	FACILITY FISHKILL CORRECTIONAL FACILITY		POLICY DESIGNATION Institutional
	TITLE OF GRIEVANCE PROPER MEDS		CLASS CODE 22
	SUPERINTENDENT'S SIGNATURE 		DATE October 27, 2021
GRIEVANT RODRIGUEZ, R.		DIN 17A0928	HOUSING UNIT MB-09-120

Grievant's action requested is denied with clarification.

Grievant is advised that an investigation has been conducted by the Office of the Deputy Superintendent for Health Services. It was revealed that on 7/19/21, grievant refused treatment and acknowledged such in the presence of their provider. If grievant would like to reconsider the treatment offered, they are advised to make an appointment with their provider.


vlr

xc: DSH Akinyombo (w/case file)

APPEAL STATEMENT

If you wish to refer the above decision of the Superintendent please sign below and return this copy to your Inmate Grievance Clerk. You have seven (7) calendar days from receipt of this notice to file your appeal.* Please state why you are appealing this decision to C.O.R.C.


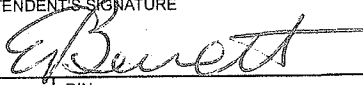
Grievant's medical care should have not been reduced to one form of treatment which was to put a needle in my spine. Grievant's seen a pain management doctor and multiple treatments were available

 **GRIEVANT'S SIGNATURE** **11-18-21**
DATE

GRIEVANCE CLERK'S SIGNATURE

DATE

* An exception to the time limit may be requested under Directive #4040, section 701.6(g).

 NEW YORK STATE Corrections and Community Supervision INMATE GRIEVANCE PROGRAM SUPERINTENDENT	GRIEVANCE NO. ECF #0273-21		DATE FILED October 14, 2021
	FACILITY FISHKILL CORRECTIONAL FACILITY		POLICY DESIGNATION Institutional
	TITLE OF GRIEVANCE TREAT LUMP		CLASS CODE 22
	SUPERINTENDENT'S SIGNATURE 		DATE October 27, 2021
GRIEVANT RODRIGUEZ, R.		DIN 17A0928	HOUSING UNIT MB-09-120

Grievant's action requested is denied with clarification.

Grievant is advised that an investigation has been conducted by the Office of the Deputy Superintendent for Health Services. It was revealed that grievant was seen on 10/9/21 by the clinic nurse who placed grievant on a callout to be seen by their provider. Grievant was then seen on 10/18/21 by their provider and grievant received confirmation on what the nurse initially told them on 10/9/21. Grievant may continue to follow up as needed with sick call.

vlr

xc: DSH Akinyombo (w/case file)

APPEAL STATEMENT

If you wish to refer the above decision of the Superintendent please sign below and return this copy to your Inmate Grievance Clerk. You have seven (7) calendar days from receipt of this notice to file your appeal.* Please state why you are appealing this decision to C.O.R.C.

The clinic nurse didnt do anything to be confirmed and I had to wait about two weeks before I had recieved medical attention, and at all times I was in pain


GRIEVANT'S SIGNATURE

11-8-21
DATE

GRIEVANCE CLERK'S SIGNATURE

DATE

* An exception to the time limit may be requested under Directive #4040, section 701.6(g).

STATE OF NEW YORK - DEPARTMENT OF CORRECTIONS AND COMMUNITY SUPERVISION

FISHKILL CORRECTIONAL FACILITY

GRIEVANCE RECEIPT NOTIFICATION

TO:

Rodriguez, R. 17A0958
(NAME / DIN #)

FROM:

Grievance Office

DATE FILED:

10-13-21

This is to inform you that the below referenced grievance has been received by the Grievance Office and filed on the date noted above.

GRIEVANCE #

CR40-91

CODE

22

TITLE

Properly Medd

E10

STATE OF NEW YORK - DEPARTMENT OF CORRECTIONS AND COMMUNITY SUPERVISION

FISHKILL CORRECTIONAL FACILITY

GRIEVANCE RECEIPT NOTIFICATION

TO:

Rodriguez, R. 17A0928
(NAME / DIN #)

FROM:

Grievance Office

DATE FILED:

10-12-21

This is to inform you that the below referenced grievance has been received by the Grievance Office and filed on the date noted above.

GRIEVANCE #

0269-51

CODE

23

TITLE

Exterminate H.U.

STATE OF NEW YORK - DEPARTMENT OF CORRECTIONS AND COMMUNITY SUPERVISION

FISHKILL CORRECTIONAL FACILITY

GRIEVANCE RECEIPT NOTIFICATION

TO:

Rodriguez, R 17A0925
(NAME / DIN #)

FROM:

Grievance Office

DATE FILED:

10-14-21

This is to inform you that the below referenced grievance has been received by the Grievance Office and filed on the date noted above.

GRIEVANCE #

0273-21

CODE

22

TITLE

Great Bump

E-12

Response of IGRC: FCF-0269-21

10/28/21

IGRC REFERS this grievance complaint to the Superintendent for Further Action and Response.

Roache's

Date Returned to Inmate 10-28-2021 IGRC Members

Chairperson

E. Mullins

[Signature]
Berni
[Signature]
D. Fry

Return within 7 calendar days and check appropriate boxes.*

☒ I disagree with IGRC response and wish to appeal to the Superintendent.

☐ I have reviewed deadlocked responses. Pass-Thru to Superintendent

☐ I agree with the IGRC response and wish to appeal to the Superintendent.

☐ I apply to the IGP Supervisor for review of dismissal

Signed

[Signature]
Grievant

10-28-21
Date

Grievance Clerk's Receipt

Date

To be completed by Grievance Clerk.

Grievance Appealed to the Superintendent

Date

Grievance forwarded to the Superintendent for action

10-28-2021
Date

*An exception to the time limit may be requested under Directive #4040, section 701.6(g).

E-13

Ralph Rodriguez
Din # 17 A0928
Fishkill Correctional Facility
Housing Unit 6-2

4-25-20

IGRL

Im writing this grievance because on 4-20-20 I went to the bathroom in my housing unit 6-2, and slipped on water falling down injuring my neck and back. The toilet, and sink are leaking and multiple complaints have been made yet nothing has been done. These conditions are dangerous and in violation to health and housing codes putting inmates at risk.

Resolution seeking - To have the sink and toilet fix so no other inmates can get hurt on the unit.

(C.C. 11
of
2)

E-14



Ralph Rodriguez
Din # 17A0928
Fishkill Correctional Facility
P.O. Box 1245
Beacon, NY 12508

11-25-21

To Whom it may Concern

I am an inmate at Fishkill Correctional
and I'm writing concerning the Grievance
System here, supervised under Ms Reams.

I have over 7 years now of incarceration
and have filed multiple grievances but
have never seen or dealt with a grievance
office as bad as the one in Fishkill.

I've filed a number of grievances here
and on multiple occasions grievances go
missing, unfiled or ignored.

Grievance systems and procedures are a
vital system within D.O.C. to handle issues
for inmates to solve the issues and exhaust
and without that system inmates such as myself
are left without options to assist in any way.

The Grievance system overseen by Ms Reams
here at Fishkill is corrupt and in direct
violation of directive 4040, wherefor I am
respectfully requesting a full investigation be done
to verify my claim, and to put you on full
notice that the ability to exhaust is non-
existent, and any civil claims against the
facility be allowed to move forward without any
delay for failure to exhaust under P.L.R

E-15

C.C.1

Ralph Rodriguez
Din # 17A0928
Fishkill Correctional Facility
Housing Unit 6-2

5-28-20

IGRC

I am writing to you because I submitted a grievance on or about 4-25-20, and it has been well over a month and I have not received any response or a grievance number to exhaust my Administrative Remedies. Per Directive 4040, I am now requesting to have my grievance appealed to the superintendent for failure to respond in a timely manner.

Respectfully submitted



C.C. 1
6-2

E-16

FORM 2131E (REVERSE) (REV. 6/06)

Response of IGRC: FCF--101-21

5-13-2021

Grievance unfavorable: Per I.G.R.C. investigation, FCF-0245-20 notes, a grievant seeking a decision or an appeal of a decision otherwise attainable through the established procedures for inmate personal property claims, is non-grievable. I.G.R.C. recommends that grievant file a claim with the facility steward.

Date Returned to Inmate 5-13-2021 IGRC Members Sgt. A. M.
A. Mullins FSP II
 Chairperson E. Mullins
J. Gordon
D. Froz

Return within 7 calendar days and check appropriate boxes.*

☐ I disagree with IGRC response and wish to appeal to the Superintendent.

☐ I have reviewed deadlocked responses. Pass-Thru to Superintendent

☐ I agree with the IGRC response and wish to appeal to the Superintendent.

☐ I apply to the IGP Supervisor for review of dismissal

Signed _____ Grievant _____ Date _____

 Grievance Clerk's Receipt Date _____

To be completed by Grievance Clerk.

Grievance Appealed to the Superintendent _____
 Date _____

Grievance forwarded to the Superintendent for action _____
 Date _____

*An exception to the time limit may be requested under Directive #4040, section 701.6(g).

E-17

FORM 2131E (REVERSE) (REV. 6/06)

Response of IGRC: FCF-0270-21

10/20/21

Grievance Unfavorable, PerDSHS"A" Grievant refused a treatment signed by grievant, with your provider present dated 7/19/21. However if grievant would like to reconsider the treatment. IGRC notes grievant should see his primary care provider for appointment on treatment.

Date Returned to Inmate 10-20-2021 IGRC Members [Signature]Chairperson E. Mullins ORA Lasi[Signature]
D. King

Return within 7 calendar days and check appropriate boxes.*

☐ I disagree with IGRC response and wish to appeal to the Superintendent.

☐ I have reviewed deadlocked responses. Pass-Thru to Superintendent

☐ I agree with the IGRC response and wish to appeal to the Superintendent.

☐ I apply to the IGP Supervisor for review of dismissal
Signed _____
Grievant_____
Date_____
Grievance Clerk's Receipt_____
Date*To be completed by Grievance Clerk.*Grievance Appealed to the Superintendent _____
DateGrievance forwarded to the Superintendent for action _____
Date

*An exception to the time limit may be requested under Directive #4040, section 701.6(g).

E-18

Ralph Rodriguez

Din # 17A0928

Fishkill correctional facility

Unit 9-1

10-6-21

IGRC

I am writing this grievance because the housing unit's are infested with roaches, mice and other insects that pose a risk to my health and safety, and nothing is being done about it. An exterminator only came to this housing unit once and only went into the kitchen, and when we tried to tell him where the infestation was he told us, "I don't need to know how to do my job", yet he only went into the kitchen and nowhere else, only spraying and nothing else.

Resolution seeking - To have the units

properly exterminated because these insects and animals are infesting the housing unit. E-20 x Ralph Rodriguez

Ralph Rodriguez

Don # 17A0928

Fightkill Correctional

Unit 9-1

11-2-21

IGRL

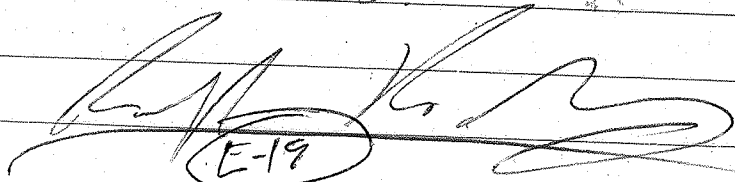
I am writing this grievance because
I've written multiple state shop request
and in over two years I have never
been called down to the state shop.

I need to exchange my greens and
get new whites. I've written my
last state shop form over 2 weeks
ago and still don't be put on a
call-out. I need to get to the
state shop.

Resolution seeking: I need to go to
the state shop for my new
greens and whites.

WU
1

x


E-19

Ralph Rodriguez

Din# 17A0928

Fishkill Correctional Facility
Unit 9-1

IGRC

I am writing this grievance because I seen a pain management specialist and the facility is denying me proper medication, for my chronic pain.

Resolution Seeking : To be given
proper medication for my medical issues.

x Ralph Rodriguez

Writer
Copy
1 of 2

E-21

Ralph Rodriguez
Din # 17A0928
Housing unit 6-2

7-4-20

IGRC

I'm writing this grievance because on 4-20-20 I had got injured slipping on the floor in the bathroom because the toilet and pipes leak water and nothing is being done. I have been trying to get into the Law Library for weeks and can't get put on a call-out to get my "notice of claim" notarized.

Resolution seeking - To get on the
Call out to the Law Library
to get my legal documents notarized.

Ralph Rodriguez
Din# 1770928
Fishkill Correctional Facility
P.O. Box 307
Beacon NY 12508
Unit 9-1

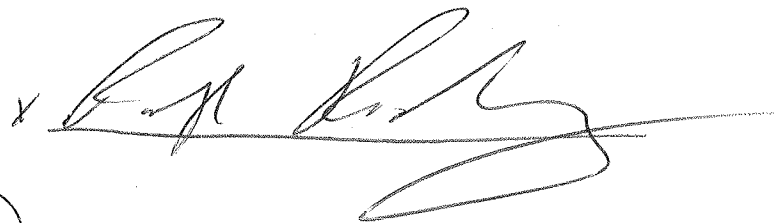
10-6-21

IGRC

I am writing this grievance because I applied for a reasonable accommodation under the Americans with disability Act title II to get a Egg Crate for my back and was denied, and medical denied me as well

Resolution seeking

To get my Egg Crate for my chronic back problems, the facility is aware of and has failed to handle, my medical needs.

x 

Handwritten copy
lot L

E-23

Ralph Rodriguez

Dir # 17A0928

Fishkill Correctional Facility

Unit 9-1 main

10-28-21

IGRC

I am writing this grievance because the unit's are freezing cold, and the facility has not put on the heat. Window's are missing broken, cracked ~~or missing~~ and does not retain heat. The school building always has the heat on yet the living area's where inmates are, every year ~~the~~ has to grieve this issue, and still nothing has been done.

Resolution seeking: For the heat

to be put on and the window's

fix.

E-24

Ralph Rodriguez
 D.N. # 17A0928
 Fishkill Correctional
 Unit 9-1

10-9-21

IGRC

Lack of Supplies

I am writing this grievance because on 10-9-21 I went to sick call because I had a lump on the side of my throat that is painful when I swallow and I'm coughing up some glue like substance, and I was seen by an Indian female nurse. When she seen me she stated "Yes I feel a lump but its small, we'll wait till it gets worse before we do anything." I told her that, that response was unacceptable, and something needs to be done. She basically told me there is nothing to do now and I could go. She refuse to give me any medication or give me adequate medical care. I then told her I want to see a doctor and she told me "I'll have to wait a few weeks and I could leave now," which I did. I am sick and tired of the medical care thats being given, and something needs to be done about it.

Resolution Seeking: For me to get adequate medical care, and my medical issue taken care of.

(E-25) X Ralph Rodriguez

Ralph Rodriguez
Dint # 17A0928
Housing unit 9-1

1-27-22

Dear ms Beams

I had written two grievances last month on two incidents that occurred on 12-30-21 and 12-31-21. As with every other grievance I have written that have valid issues, you have failed to respond timely and issue me a grievance number. The time allowed under directive 4040 to a response has expired and per directive 4040, I am requesting an appeal to the Superintendent.

Respectfully,
Submitted
Ralph Rodriguez

C.C.1

E-26

Ralph Rodriguez
 Din# 17 A0928
 Fishkill Correctional
 Unit 9-1 main

11-8-21

IGRC

I am writing this grievance because on 10-6-21 I submitted a grievance regarding issues in this facility with the law library and the Grievance Supervisor decided on her own that my grievance was moot because the problem she claimed was handled, but the issue's within the grievance was in no way handled, and she is not in a position to decide if a grievance is moot or not and is why there are procedures and rules on handling grievances that this facility is failing to properly handle making the grievance system here inadequate and unable to exhaust administrative remedies unavailable. She did this to a number of grievances I submitted and refuse Resolution ^{to give me a} ^{grievance or grievance is submitted} ^{section} when a grievance is submitted properly for the supervisor not to make decisions that Albany and the grievance counsel should be handling, giving grievance numbers

(E-27)

(W.C. 10/22)

Ralph Rodriguez

Ralph Rodriguez

Din#17A0928 Housing unit 9-1 Bed 20
Fishkill Correctional Facility

1-20-22

IGP supervisor Ms Reams

I am writing to you because I need a copy of all the grievances I have filed within the facility, that have been processed and actually filed. I have submitted a vast amount of grievances within this facility and mostly all of them has been ignored and/or no resolution in my favor was made.

I am in need of this list of grievances for litigation purposes, and am in hopes that you send me this list.

Thank you for your time.

Respectfully

Ralph Rodriguez

C.C.#1

E-28

Ralph Rodriguez

Din # 1740928

Fishkill Correctional facility

Unit 9-1

10-6-21

IGRL

I am writing this grievance because I am unable to attend school or get a job to earn my limited time credit. I took the college test 3 times and took the essay yet the facility won't allow me to attend.

Resolution seeking - to know why I haven't been allowed to get into college or work to earn my Ipt.

x Ralph Rodriguez

Writer
Copy

E-29

Ralph Rodriguez
Din # 1770928
Fishkill Correctional Facility
Grievance # FCF-0273-21

Date 10-23-21

Superintendent Appeal

I'm appealing the ZARC came to because the clinic nurse gave me no medical care at the time, and I had to wait weeks to see my provider, during which time I was going through severe pain.

When I did see my provider I was told I have C.O.P.D which is a serious disease and I should have gotten some type of care during all that wait.

Ralph Rodriguez
DIN # 17A0928
Fishkill Correction Facility
Grievance number FCF-0270-21

10-23-21

Superintendent Appeal

I don't agree with the ZORC because
I didn't refuse treatment in general.
I refused to have a needle put into
my spine, and there fore went to
the outside hospital to see pain-
management, and medication was
referred and in no way or form
did the provider, provide me with
anything that was referred and
offered me the same treatment I
told her I didn't want, ~~and was~~
~~why I went to pain management~~
and was the whole reason why I
went to the hospital

Ralph Rodriguez

Ralph Rodriguez
Din # 17A0928
Fishkill Correctional Facility
Unit 9-1

6-1-20

IGRC

I am writing this grievance because I am a disabled inmate and requested a reasonable Accomodation for an Egg Crate for my back that medical knows I have severe problems with and was denied, and so I am Exhausting my Administrative remedies.

Resolution Seeking - to get my Egg Crate
for my back

Ralph Rodriguez

Din # 17A0928

Fishkill Correctional
Unit 9-1

IGRC

Inadequate medical care

I am writing this grievance because on 10-9-20 I went to sick call because I had a lump on the side of my throat that is painful when I swallow and I'm coughing up some glue like substance, and I was seen by an Indian female nurse. When she seen me she stated "yes I feel a lump but its small, we'll wait till it gets worse before we do anything". I told her that, that response was unacceptable, and something needs to be done. She basically told me there is nothing to do now and I could go. She refuse to give me any medication or give me adequate medical care. I then told her I want to see a doctor and she told me "I'll have to wait a few weeks and I could leave now," which I did. I am sick and tired of the medical care thats being given, and something needs to be done about it.

Resolution seeking: For me to get adequate medical care, and my medical issue taken care of.

(E-33) x Ralph Rodriguez

Ralph Rodriguez

Din# 17A0928

Fitchkill Correctional facility

Unit 9-1

11-2-21

IGRL

x ~~Last But Not Least~~

I am writing this grievance because I suffer from multiple medical issues and have trouble getting up in the morning because of all the pain I'm in, and I am constantly being called down for legal mail, and today I couldn't even barely get out of bed and the legal mail officer demanded I go to pick up my mail. This is the only facility I've been in that does legal mail at 8:00 Am, everywhere else is after 6pm.

I am requesting for the legal mail I have to pick up be done in the afternoon because of my medical issues.

Resolution seeking - Due to medical issues I can't pick up legal mail at 8:00 Am and am requesting a reasonable accommodation of being able to pick it up during the morning.

Ralph Rodriguez
Din # 1740928
Housing Unit 9-1

10-6-21

IGRC

I am writing this grievance because the Law library's policy of giving inmates copies is not being done per directive 4483 (III)(I), which states all photocopying request must be accompanied by a disbursement form, Not its receipt. I attempted to get copies and was told I had to wait for the pink receipt back before I can get the copies I needed for court hindering my access to the court in violation

(E-35)

Of state and constitutional law
for access to the court and
because of this delay, I could not
submit a notice of intention to
file a claim in a timely manner
because of the weeks delay in
receiving my disbursement receipt,
and now my claim is time barred
due to this facilities policy and
procedures. Request for advancement
was denied by the law library
officer as well saying I need a receipt.
Resolution seeking: To allow inmates to receive
copies needed when needed. x Paul Brady

STERLING STEVENS
16A2565
FISHKILL CORRECTIONAL FACILITY
P.O. Box 1245
BEACON, NY 12508

11-25-21

RE: Sworn Affidavit

I Sterling Stevens am writing this Sworn Affidavit stating that as an Incarcerated Individual at Fishkill Correctional Facility the Grievance System in this Facility, overseen by the I.G.P. Supervisor Ms. Reams is corrupt. Grievances here go unfiled, missing, ignored, and just manipulated by Committee Member who try to discourage an individual's goal of exhausting their Administrative Remedies. The Grievance System here is in direct Violation to Directive 4040 and the ability to access the Courts.

The ability to exhaust is non-existent. STERLING STEVENS
cc: To Whom it may concern

File

E-38

ATJ AT

Ralph Rodriguez

Din# 17A0928

Fitchkill Correctional Facility

Unit 9-1

11-2-21

IGRL

x Laff R. [Signature]

I am writing this grievance because I suffer from multiple medical issues and have trouble getting up in the morning because of all the pain I'm in, and I am constantly being called down for legal mail, and today I couldn't even barely get out of bed and the legal mail officer demanded I go to pick up my mail. This is the only facility I've been in that does legal mail at 8:00 Am, everywhere else is after 6pm. I am requesting for the legal mail I have to pick up be done in the afternoon because of my medical issues.

Resolution seeking - Due to medical issues I can't pick up legal mail at 8:00 Am and am requesting a reasonable accommodation of being able to pick it up ~~at 3pm~~ at 3pm Mod.

(f.c.)

Ralph Rodriguez

Din # 17A0928

Fishkill correctional facility
unit 9-1 main

10-28-21

IGRC

I am writing this grievance because the unit's are freezing cold, and the facility has not put on the heat. Window's are missing broken, cracked ~~or missing~~ and does not retain heat. The school building always has the heat on yet the living area's where inmates are, every year ~~has~~ has to grieve this issue, and still nothing has been done.

Resolution seeking: For the heat to be put on and the window's fix.

E-24

Exhibit - C

Grievances ignoring
Subject matter.

Ralph Rodriguez

Din # 17A0928

Fishkill Correctional Facility

P.O. Box 307

Beacon NY 12508

Unit 9-120

10-6-21

I

NEED

I COPY
OFII REASONABLE
ACCOMMODATION
REQUEST

was ON File in DDS

this grievance because
reasonable accommodation
with disability Act title -
rate for my back and
medical denied me as
well. Its on file in the D.D.S office
or file, Im not sure of the date, of
the recent one but prior the date was
June 1, 21

Resolution seeking:

To get my Egg crate for my chronic
back problems the facility is aware of
and has failed to handle, my medical
needs.

x Ralph Rodriguez

(E-39)

h Rodriguez

His school is
Jensen

17A0928

11 Correctional facility

DOES HE MEAN
COLLEGE? ^{yes} college

9-1

10-6-21

I (HOW DOES HE KNOW
THAT HE IS DENIED)I WHAT "JOB" TO EARN
LET? ^{his are} IS OUTSIDEis grievance because I
am unable to attend College School or get a

Job to earn my limited time credit.

I took the college test 3 times and took
the essay yet the facility want allow
me to attend. The Job I tried to getwas the puppy program then hospice.
I've written recently and got no response but
the last letter was dated NOV. 26, 2019Resolution Seeking: To know why Ihaven't been allowed to get into
College or work to earn my IPAX Raf Rodriguez

E-40

Exhibit - D

Letters to Administration
Superintendent.

Ralph Rodriguez
 Din # 17A0928
 Fishkill Correctional
 housing unit 9-1

12-1-21

Superintendent Burnett

I am writing to you in regards to the Grievance System here at fishkill correctional supervised under ms Reams. I have filed a vast number of grievances dealing with medical issues to vermin infestation, and regardless of evidence I provide I never get a favorable decision or help of any kind.

Grievances I write go unanswered, ignored and request on what to do next after the informal level gets ignored as well. Request for grievance rules go unanswered and in the three years I have been here at fishkill there has only been one IGRC election. The inmates at the grievance committee are as corrupt as the supervisor that is suppose to ensure inmates problems are addressed. The grievances I've written that got ignored was

- 1) Medical refuse to provide egg crate for back problems.
- 2) Denied reasonable accommodation
- 3) Infestation of housing unit
- 4) Dangerous living conditions.
- 5) Why am I being denied school because of disability
- 6) Threats made to me about writing grievances
- 7) No legal assistance at the law library
- 8) Law library being in no way adequate, effective and meaningful
- 9) Sick call not responding to request

E-41

- 10) Dental delay in treatment
- 11) Hazardous living conditions
- 12) Package room stealing property
- 13) Denial of program
- 14) Law library refusing to notarize
- 15) Law Library refusing to make copies
- 16) Retaliation claim
- 17) right to assistance denied
- 18) Interference with pursue of legal actions
- 19) Atypical and significant hardship
- 20) exposure to sewage and human waste
- 21) water fountain broken for months
- 22) Deliberate denial of toilet paper

CC1

E-42

Exhibit - E

Notice of claim expired
due to IGRC's failure
to respond.

STATE OF NEW YORK : COURT OF CLAIMS

Ralph Rodriguez
-against- DN #17A0928

NOTICE OF INTENTION
TO FILE A CLAIM.

INDEX NO. _____

THE STATE OF NEW YORK

TO THE ATTORNEY GENERAL OF THE STATE OF NEW YORK

I, Ralph Rodriguez, intend to file a claim against the State of New York, pursuant to Sections 10 and 11 of the Court of Claims Act.

I reside at Fishkill Correctional Facility, P.O. Box 1245, Beacon, New York 12508.

For the time being, I am representing myself.

The time and place where my claim arose and the nature thereof are as follows: While housed in unit 6-2, I went into the bathroom, and slipped falling down hurting my head and neck on 4-20-20 due to the toilet and sink leaking water. I was severely injured and wrote a grievance about the issue that went unanswered, and till date 5-1-20 nothing has been done to fix the situation. These conditions are hazardous, and the Facility is being negligent to the health and safety of its inmates

DATED: BEACON, NEW YORK

5-1-20

Ralph Rodriguez
Claimant

* If you need more lines to complete the facts of your Notice of Intention use additional paper.

E-43

VERIFICATION

STATE OF NEW YORK
COUNTY OF DUTCHESS

I, Ralph Rodriguez, being duly sworn, state:
I am the Claimant in this action. The foregoing Notice of
Intention To File A Claim is true to my own knowledge, except as
to matters therein stated to be alleged on information and
belief and as to those matters I believe to be true.

SWORN TO BEFORE ME THIS _____
DAY OF _____, 20 ____

NOTARY PUBLIC

no notary available
and cant get into
Law Library

E-44

AFFIDAVIT OF SERVICE

STATE OF NEW YORK
COUNTY OF DUTCHESS

Ralph Rodriguez, being duly sworn, deposes and says:

1. I am the Claimant in the instant action and am over 18 years of age.

2. On the _____ day of _____, 20 __, I served the within Notice of Intention To File A Claim upon:

The Attorney General
State of New York
The Capitol
Albany, New York 12224

One (1) copy by certified mail,
return receipt requested

by depositing a true copy of the within in a properly addressed wrapper with postage paid and forms attached for certified mail, return receipt requested, in an official depository under the exclusive care and custody of the New York State Department of Correctional Services.

SWORN TO BEFORE ME THIS _____

DAY OF _____, 20 ____

NOTARY PUBLIC

Can not get
into Law Library
for notary and
not available

(E-45)

Exhibit - F

Reasonable Accommodation
For an EGG CRATE at
Five points Correctional
Approval.



Corrections and Community Supervision

ANDREW M. CUOMO
Governor

ANTHONY J. ANNUCCI
Acting Commissioner

TO: Inmate

FROM: Five Points Medical Department

SUBJECT: New Permit / Annual Renewal Permit

Original Start Date: 09-12-19

Current Start Date: 09-12-19

Permit Duration: 1 year

Permit Expiration Date: 09-12-2020

Five Points Correctional Facility
Medical Permit-Health Services

Inmate Name: Rodriguez, Ralph DIN# 17A0928

Location: 8-A1-19B

_____ cane, crutches-to be returned _____

_____ brace, sling, splint, cast _____

Description: egg crate permit

MISC: _____

RN Signature: [Signature] Date: 9/17/18

Expiration Date: 9/18/19

Five Points Correctional Facility
Medical Permit-Health Services

Inmate Name: Rodriguez, Ralph

DIN# 17A0928 Location: _____

_____ cane, Crutches-to be returned _____

_____ brace, sling, cast _____

Description: egg crate mattress

MISC: _____

RN Signature: [Signature] Date: 9/25/19

Expiration date: 9-12-20

Inmate Name: Rodriguez, Ralph

Din #: 17A0928

Housing Location: 8-A1-19B

The above inmate has been evaluated and there is a medical need for:

☐

RA

☒

MED

egg crate mattress

Facility Health Services Director/Designee

Date

Reviewed and Approved:

Deputy Superintendent for Security

Date

I acknowledge receipt of the permitted item described above. I understand I will be responsible for its proper use. Any misuse or damage caused by my negligence may result in revocation of the permitted item, financial reimbursement and disciplinary action.

Inmate Signature

Date

Cc: Block 1st Officer

Medical Records Office

Medical File

RA File (if appropriate)

E-46

WA007 (06/01)

STATE OF NEW YORK - DEPARTMENT OF CORRECTIONS AND COMMUNITY SUPERVISION

WASHINGTON CORRECTIONAL FACILITY

MEDICAL EXCUSE STATUS / MEDICAL EQUIPMENT / CALL-OUT

TO: D2 DORM OFFICERINMATE NAME: Rodriguez

DORM LOCATION: _____

EXCUSE STATUS DATE: START: 10/18/10STATE OF NEW YORK - DEPARTMENT OF CORRECTIONS
AND COMMUNITY SUPERVISION
WASHINGTON CORRECTIONAL FACILITY
INMATE PROGRAM CARDName: Rodriguez, Ralph Number: 17A0928Effective: Date: 11/11/19AM: Med. IdlePM: Med. Idle

EVE: _____

LATE EVE: _____

Validation: **IPPC**

WA156 (04/14)

TO REST IN BUNK

GO TO MESS HALL

ATTEND SCHOOL

ATTEND WORK

ATTEND KITCHEN WORK

PASSIVE REC., TV-MOVIES

ACTIVE REC., e.g.: Ping Pong, Weight Lifting, Basketball

ADDITIONAL INFORMATION: Bottom Bunk PassMedical Idle - cannot lift, pull > 5 lbsno bending, leaning, Reaching

EQUIPMENT ISSUED: (Check appropriate boxes)

☐ Crutches☐ Sling☐ Ace Wrap☐ Other: Hearing Aid☐ Cane☐ Splint☐ Brace(2) ear

EXPIRATION DATE: _____

* EQUIPMENT PERMIT TO BE CARRIED AT ALL TIMES BY INMATE

CALL-OUT:

The above mentioned inmate is to report to the clinic on:

_____, AT _____ FOR: _____

Smungre 405
(Health Care Provider)

White Copy: Medical Records
 Canary Copy: Inmate
 Pink Copy: Dorm Officer
 Gold Copy: Security (Equipment Only)

E-47

Exhibit - G

Multiple Reasonable
Accommodation request
Denied at Fishkill
Correctional Facility.

Fishkill Correctional Fishkill
Correctional Facility

Original - Guidance Folder
Copies - Inmate, Superintendent, Medical, Parole, ADA Coordinator (Central Office).

(c) - 48

Revised (7/11)
Form #2614B
COPY LOCALLY
AS NEEDED

STATE OF NEW YORK - DEPARTMENT OF CORRECTIONS AND COMMUNITY SUPERVISION

REQUEST FOR REASONABLE ACCOMMODATION

FISHKILL
CORRECTIONAL FACILITY

Correctional Facility

Inmate's Name <u>Ralph Rodriguez</u>	DIN# <u>17A0928</u>	Date <u>12-28-2019</u> FISHKILL CORRECTIONAL FACILITY
INMATE'S REQUEST	I request reasonable accommodation to participate in the following program and/or service: <u>medical equipment request</u>	
	I am limited in my ability to (explain disability or limitation): <u>Fully Disable, limited to no use of right arm, and severe neck and back problems along with a host of different issues</u>	
	The accommodation requested is: <u>An "Egg crate" for my back to help alleviate pain</u>	
	(Sign and forward to the Deputy Superintendent for Program Services) <u>Ralph Rodriguez</u> Inmate's Signature	
REC'D BY DSP	<u>J. Wood</u> (DSP Name)	<u>[Signature]</u> (Signature) <u>12/30/19</u> Date
MEDICAL VERIFICATION	Disability <u>He claims back & neck pain "Egg crate mattress" paper</u>	
	Functional limitations <u>has been found not to be effective & considered fire hazard</u>	
	No medical verification is on file. Follow-up appointment scheduled? <input checked="" type="checkbox"/> yes <input type="checkbox"/> no	
	Date inmate notified of pending medical evaluation/consult: <u>Denied</u> <u>M. Sullivan (Topper)</u> <u>[Signature]</u> <u>AVANZATO</u> <u>2/19/20</u> (Medical staff name - title) (Signature) Date	
REASONABLE ACCOM. DETERMINATION	The above requested reasonable accommodation has been: <input type="checkbox"/> Approved <input type="checkbox"/> Modified <input type="checkbox"/> Denied	
	The specific accommodations approved are:	
	Explanation of modification or denial:	
	(Inmate's Signature) (DSP or designee signature) Date	
INMATE RECEIPT	<input type="checkbox"/> I agree <input type="checkbox"/> I disagree with this determination. I understand my right to file a grievance in accordance with Directive #4040, "Inmate Grievance Program" Signature _____ Date _____	

E-49

Exhibit - H

Sworn testimony of
the Standard of care
at Fishkill Correctional
Facility.

January 24, 2022

To whom it may concern

This is a sworn affidavit about how medical here at Fishkill Correctional Facility is failing me, specifically Dr. Sullivan during my incarceration beginning September 9, 2020. I have been prescribed Gabapentin in Suffolk County Correctional Facility, and in Downstate Correctional Facility as well, and Marcy Correctional Facility.

I came to Fishkill Correctional Facility in the beginning of December of 2020 with a full prescription of Gabapentin prescribed by Dr Zahi from Marcy Correctional, and ms Sullivan states incorrectly that D.O.C.C.S does not prescribe that medication which is not true. She does so in an attempt to not give inmates that medication for there pain.

I need shoulder surgery which has been approved by Albany and it states the severity of my condition and injury requires the surgery. On January 20, 2022 I seen the report made by the specialist orthopedist that I saw on or about that date, and he stated that I should be on that medication. Ms Sullivan is still refusing to prescribe me my medication I need for my severe pain, and she is not a speacialist, and prescribes me an anti-depressant instead named symbalta, that does not help in any way and should not have been prescribed to me. Medical in Fishkill Correctional in no way is within reasonable care, and letters as well as Grievances go unanswered. Can you please help in any way, thank you for your time, Respectfully submitted

Eric Lindemann

X  #2140705

E-50

To whom it may concern, 1/24/2022

This is a sworn affidavit about how medical here at Fishkill Correctional Facility is failing me. Specifically Dr. Sullivan. During my incarceration beginning September 9th 2020 I have been ~~prescribed~~ Gabapentin in Suffolk County Correctional Facility, Downstate Correctional Facility and Marcy Correctional Facility.

I came to Fishkill at the beginning of December 2021 with a full prescription of Gabapentin prescribed by Dr. Zaki from Marcy. Dr. Sullivan states that DOCS doesn't prescribe Gabapentin which is a lie.

I need shoulder surgery which is approved by Albany which states the severity of my injury. I saw the Orthopedist to schedule the surgery on 1/20/2022. The specialist also states in his report that I should still be taking as well as put back on Gabapentin. Dr. Sullivan still refuses to issue me my medication. Insisting to put me on Symbyax which is an anti-depressant and makes me feel weird. I tried it for over 6 weeks and it doesn't help at all.

Medical care here at Fishkill is below minimum standard of care and inefficient.

Eric Lindemann

1/24/2022

E-51

Exhibit - I

Injury Report dated
12-30-21

AMBULATORY HEALTH RECORD PROGRESS NOTE

Name Rodriguez, Ralph	DIN 17A0928	Date of Birth 8/25/24	Facility Name EC
---------------------------------	-----------------------	---------------------------------	----------------------------

Subjective: 434 work good Park + Swelling R neck + cough + phlegm 199.5, 98.1, 88 mod soft lungs clear, chest xray 3, 5, 17 neg	Last Name Rodriguez, Ralph
Objective:	DIN 17A0928 Location _____
Assessment:	Date 10/18/24 Time 10:00Z
Plan:	Provider Orders: smoke 10 ally 15-20 yrs

LB used 2x2 Pains of chest xray for
Smoking cessation
Diffucor gel 4 gram
ASTHMA
10/18/24
ESF, refused lidocaine
Patch
Tylenol 325
Phabotid

Signature/Provider # _____ RN Transcribing Order/Provider #/Date/Time _____	Last Name Rodriguez
Subjective: Esc	DIN 17A0928 Location 9/1 - Clinic
Objective: Inmate was brought down to the clinic for evaluation	Date 12/20/24 Time 4:30 pm
Assessment: "I was jumped by the coast in the morning 1-2 @ edema noted on the @ ankle. clo pain. Pedal	Provider Orders: Ace wrap applied to right @ ankle and right wrist.
Plan: pulse @ - Drawing to wing right wrist and @ upper arm Toes warm Encouraged elevation. Ace wrap applied to @ ankle. mobile. Ice applied. Encouraged NW @ ankle. Seen by NP-Sullivan	
Signature/Provider # Murphy STB RN Transcribing Order/Provider #/Date/Time 12/20/24 4:30 pm	

Subjective:	Last Name _____
Objective:	DIN _____ Location _____
Assessment:	Date _____ Time _____
Plan:	Provider Orders: _____
Signature/Provider # _____ RN Transcribing Order/Provider #/Date/Time _____	

Continue entry into next box if necessary.

E-52

Exhibit - J

Sworn Affidavit of
inmates seeing plaintiff's
Fall and injury

To whom it may concern,

1-4-22

I am R. Rodriguez (17A0928) neighbor at Fishkill Correctional Facility. On 12-31-21, I saw Officer Gibbons go to Rodriguez cube while he was laying down from injuries prior and start to harass him. She told him to remove one of his mats, and as he tried to explain his medical condition I heard her say, "I already know what happened to you, because I read the log book, and I don't care." I saw her then remove his mat, and while he tried to explain to her that she was taking his issued mat, she told him to follow her. She then took him out to the hallway and had him stare at the wall for over 20 minutes, knowing he had injuries to his ankle and leg. After over 20 minutes, he fell down yelling out in pain and a Code Green (medical emergency) was called. He was wheeled out in a wheelchair to the medical clinic. I saw as he passed me that he had a big red mark on his forehead, and he looked to be in a lot of pain.

William Stepnowski 19R1343
William ~~Stepnowski~~ 19R1343

E-53

Affidavit of Aheem Cordes DIN 21B0836

I am in the 9-1 housing unit in the main building here at the Fishkill Correctional Facility. Mr. Rodriguez, DIN 17A0928 is also in the housing unit.

On December 31st 2021 officer Gibbons happened to be working in the unit during the shift 14:30-22:30. Ms. Gibbons had an attitude and was doing things that were outside of things in her job description. She (Ms. Gibbons) nitpicked with several individuals about several things that was not outside of DOCS Directives, or the Facility Rules.

At one point in time officer Gibbons approached Mr. Rodriguez asking him to remove one of his mattresses. Mr. Rodriguez attempted to inform her of his medical condition, she did not allow Mr. Rodriguez to continue speaking. Raising her voice several octaves while speaking she told Mr. Rodriguez "I already know what happened to you. I've read the log book and I don't care." She then ~~pro~~ proceeded to remove the mattress on her own. Mr. Rodriguez was left with a mattress that was less than 1/2 inch thick. When Mr. Rodriguez began to protest this, Ms. Gibbons instructed him to follow her. She instructed him to stand and face a wall for 20 minutes, she told him if he didn't do it she would pull her pin and then have him brought to the box. Ms. Gibbons violated DOCS policy and Correction Law, specifically NY CORREC § 137 Program of treatment, Control and Discipline at Correctional Facilities subcl 5 which states "no ~~individual~~ ^{incarcerated} individual in the care or custody of the department shall be subjected to degrading treatment..." Mr. Rodriguez fell and hit his head on the wall and there was a "Code Green" called and Mr. Rodriguez was taken to medical.

A. Cordes 21B0836

E-54

Exhibit - K

Injury Report Dated

12-31-21

AMBULATORY HEALTH RECORD PROGRESS NOTE

Name	Rodriguez, Ralph	DIN	17A0928	Date of Birth	8/25/28	Facility Name	EE
------	------------------	-----	---------	---------------	---------	---------------	----

Subjective:	43 y.o. m/f G.O. BOF R wrist pain + left ankle pain	Last Name	Rodriguez, Ralph
Objective:	mild swelling R wrist pain during search by Cert team	DIN	17A0928
Assessment:	R, O left ankle RUS skin R, O R wrist for	Date	12/30/21
Plan:	analgesic bolus q 4 PRN X 2 Continue Tylenol	Time	4:30 PM
Signature/Provider #	[Signature]	Provider Orders:	Ac wrap R wrist + L ankle elevate left ankle cool compress BID PRN

Subjective:	Code called. This writer responded to 9-1. Inmate observed sitting on floor. States C.O. made him stand for 20 minutes, he got tired and slipped down to floor. NO new injuries sustained.	Last Name	Rodriguez, Ralph
Objective:	AAOX3. VS 146/113, 109, 60, 97.2 spo2 98%. landed on Buttocks. Denies hitting head.	DIN	17A0928
Assessment:	As per Dr. Hasen, offer inmate crutches, instruct in use of same. Advise him to drop sick call slip, see provider Monday. Inmate refused crutches, claims he is fine, able to ambulate S difficulty. Displays ability to	Date	12-31-21
Plan:		Time	6pm
Signature/Provider #		Provider Orders:	Coping Ineffective Individual

Subjective:	Ambulate independently S difficulty. States he will see provider on Monday. This writer offered to re-wrap ace to	Last Name	
Objective:	(R) Wrist, (L) ankle. Inmate refused. Inmate left Rnu ambulating S difficulty.	DIN	
Assessment:	gibson 574 Chart to provider for review.	Date	
Plan:		Time	
Signature/Provider #		Provider Orders:	

Continue entry into next box if necessary.

Exhibit - L

Formal Complaint
Under Civil Service
Law § 75(1)(2)(3)
against Defendant
Gibbons Alexandra Ayana.

TO: _____

FROM: Ralph Rodriguez

DATE: 1-4-22

Re: Formal Complaint Under Civil Services Law § 75(1)(2)(3)

This complaint refers to the following Officers and/or Civilians

officer Gibbons

I, Ralph Rodriguez #17A0928, am a prisoner at Fishkill Correctional Facility, and do hereby swear and affirm that the following statement that forms the basis of this complaint is true to the best of my knowledge and understanding.

I hereby demand that an investigation be conducted pursuant to Civil Law § 75(1)(2)(3) against the aforementioned officer(s) and or civilian(s) for the above reasons as well as for harassing my person and acting other than that of a professional agent/employee of NYS DOCCS.

I further submit this whole action as a complaint pursuant to section 2:2, 4:12, and 7:18 of the descriptive language of the employee manual. As the conduct of the aforementioned officer(s) and/or civilian(s) was counterproductive to the well-being of the facility and all persons therein.

I further make this complaint pursuant to section 75 of the Civil Services Law asking the aforementioned officer(s) and/or civilian(s) be given mental examinations / evaluations pursuant to Civil Services Rules and Regulations section 21:8(1) in as much as the aforementioned officer(s) and/or civilian(s) behaved in an unprofessional manner showing an attitude consistently anti-social, racist and being incapable of working with

E-56

and supervising [any] prisoners without harassing or abusing them or their rights. Same has violated my human, civil and both State and Federal Constitutional Rights under the Bill of Rights, as well as threatening my person. Such action is also in violation of Correctional Law § 137.5. There can be [NO] retaliation for submitting this complaint, as this complaint is protected pursuant to Correctional Law § 138.4.

For a greater description of the conduct, actions and problems that have brought this to action please see page(s) 1-3, attached hereto.


RELIEF REQUESTED

1. That a copy of this complaint/petition be forwarded to the Superintendent of the Fishkill Correctional Facility who shall place reference of this complaint in his/her daily log pursuant to Civil Services Law § 75(2).
2. That a copy of this complaint/petition be placed in the file of each and every employee mentioned in this complaint/petition for further review and/or action.
3. That the Department of Correctional Services comply with the DOCCS Directive #2110 through #2111 and Article 8, § 4 of the agreement between the State of New York and Counsel 82.
4. That I receive a complete determination after review and/or hearing of this matter in writing.
5. That pursuant to Civil Services Law § 75, I request that the employee(s) complained of herein be notified of this action within ten (10) days of your receipt of this complaint/petition.

E-527

6. That pursuant to Civil Services Law § 75, I request to be notified by the Commissioner of DOCCS and/or his designee of the results of the investigation in regards to this complaint/petition within thirty (30) days of receipt.
7. I further make this complaint pursuant to section 75 of the Civil Services Law, asking that the aforementioned employee(s) be given a mental examination/evaluation pursuant to Civil Services Rules and Regulations § 21.8(1) in as much as the aforementioned behaved in an unprofessional manner, showing an attitude that is anti-social and racist and incapable of working with or supervising prisoners without harassing or abusing them and/or their rights. Such action is in violation of Corrections Law § 137.5.
8. That pursuant to Corrections Law § 138.4, Petitioner herein is [protected] from any retaliation from any DOCCS employee(s) as a result of the herein complaint/petition; therefore, petitioner hereby invokes his rights in regards to Statutory Mandates of said Correction Law and contends that if there is [any] retaliation by [any] officer(s) and/or civilian(s) employee(s), there will be additional complaints/petition and stronger measures shall be taken in accordance with the laws of this State and the United States of America.
9. Pursuant to Civil Service Law § 75(1)(2)(3), I hereby request that a copy of this report be placed in the above officer(s)/civilian(s) employee(s) files of DOCCS; in accordance with Directive #2110 through #2111 and Article 8.4 of this agreement between the State of New York and Counsel 82, that this request be executed in compliance with the aforementioned.
10. I Further regues that after an investigation is made, based on the claims made herein, that officer Gibbons be removed From the Fishkill Correctional facility, Or from having any Contact with inmates at anytime.

WHEREFORE, all contained herein is a true and correct complaint to the best of my knowledge, and as to those matters stated to be alleged upon information and belief, I also believe them to be true under the penalty of perjury.


Petitioner
Ralph Rodriguez
17A0928
DIN #

Address: Fishkill Correctional
P.O. Box 307
Beacon, NY 12508

cc.: ^{Kathy Hochul}
The Honorable ~~Andrew M. Cuomo~~
Governor of New York State
NYS Capitol Bldg.
Albany, NY 12224

Attorney General
Office of the Attorney General
The Capitol
Albany, NY 12224-0341

State Inspector General
Empire State Plaza
Agency Bldg. 2 – 16th floor
Albany, NY 12223

State Division of Human Rights
1 Fordham Plaza – 4th floor
Bronx, NY 10458

Superintendent of Fishkill
Correctional facility
P.O. Box 307
Beacon, NY 12508

I Ralph Rodriguez am an inmate at Fishkill Correctional, housing unit 9-1. On December 31, 2021 officer Gibbons was sent to work my housing unit. When she came in it was apparent that she was disturbed, severely angered and very disrespectful to the inmates within the unit. Later on we found out that she was going to have to do overtime within the unit, obviously messing up her New Years Eve and day plans, and was taking her frustration out on us. She had approached my cube and seen i was laying down on an extra mattress, and told me to remove the mattress. I had attempted to explain to her the reason why. On 12-30-21 C.E.R.T (Correction Emergency Response Team) was sent to the facility and entered my housing unit at around 6:45 am and maliciously attacked seven inmates, myself included, with closed fist. There actions where intentional, malicious and inhumane. They severely injured all seven of us. Six inmates was sent to the ICU within the facility but i was left behind. I am fully disable and the facility is fully aware of my medical condition, and my documents is within the C.O,s bubble. The officers that attacked me in no way was provoked. The officers was dressed in full riot gear and there faces was covered. One came up to my bed and grabbed me by my neck, lifted me up and slammed me to the floor head first, and suddenly i was jumped by about five other officers. The officers that attacked me injured my head, neck, back, arm, wrist, ribs, knee, and ankle. As they brutally assaulted me i screamed out "Im disable, Im disabled", and they got off me as one picked me up handcuffed me and slammed me to the wall. Another officer checked my ID and Medical Restriction documents and seeing i was fully

(X) EGO

disabled told the officer to take the handcuff off of me. The other six was taken out the unit barely able to walk and taken to the medical I.C.U unit within the facility, but i was unable to get medical attention till around 6pm that night. When i went to medical and taken to the I.C.U all the rooms was filled up and the nurse told the officer to take me to sick call where i got below minimum care, being given only two ace bands for my wrist and ankle and no medication. An injury report was made and all this information is documented. I was sent back to my housing unit and was why i needed the mattress because a medical condition made it necessary. When ms Gibbons told me to remove the extra mattress i attempted to tell her why i needed it but she refused to listen. I then told her because of my severe injuries i needed assistance and she put on her gloves and took away my mattress that was given to me brand new by the Laundry Department on medical request, leaving only a paper thin mat. I tried to explain to her she was taking my mattress but she told me to "shut up you had your chance", and took me out the dorm area into the hallway and ordered me to stand in front of the wall and stare at it. I told her i couldnt because of my injuries but she said if i didnt she would pull the pin and have a team beat me up again for real this time. Being traumatized due to the day prior i followed her order. After 20 minutes due to the pain i fell down hitting my head against the wall and she had to pull the pin for a medical emergency and i was taken to medical again. A Injury report was made and all this information is documented. Her actions was purely retaliatory, malice and unprofessional.

(2) E-61

She violated my constitutional rights under the Eighth amendment for cruel and unusual punishment and the Americans with disabilities act title two. A federal civil suit under section 1983 is going to be filed against ms Gibbons and her malicious actions. I am requesting that the court humbly grants my relief requested and am in hopes once these claims are investigated and verified as true, ms Gibbons will be removed from further working within the department of corrections. Respectfully Submitted by Ralph Rodriguez

Ralph Rodriguez
Din# 17A0928 1-1-22

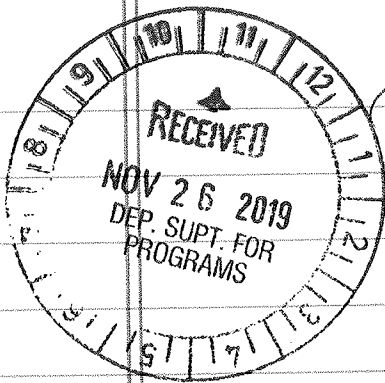
(3) E-62

Exhibit-M

Letter from Administration
Denying Plaintiff's request
to enter the College program
Due to medical condition
and Disability

"Please read Response on back of Letter"

A DSI
Please
FISHKILL
CORRECTIONAL FACILITY
NOV 25 2019
RECEIVED
SUPERINTENDENT'S OFFICE



Ralph Rodriguez
Dmt 17 A0928
6-2 5 Bed

11-22-2019

Dear Superintendent

I am writing you because I had come to this facility as a preference transfer because I am vastly interested in joining the puppy program.

I have been incarcerated for 5 years and never gotten any tier 3 disciplinary, and have 6 years left to go home, so I have more than enough time to properly train and maintain dogs at this facility.

I have always had dogs and trained them since I was a child.

I have my high school diploma with honors, have my voc completed and only have AIT to do, so I have currently no obligations.

I know I can be an amazing asset to the program, and can promise you that any dog under my care will be top of the class. I am in hopes and respectfully request that you please consider me for the program.

Respectfully *Ralph Rodriguez*

Exhibit - N

Sworn Affidavit about
the conditions of Confinement
at Fishkill Correctional facility

SWORN AFFIDAVIT

I am a porter at Fishkill Correctional Facility, and the condition of confinement are horrible. The windows within my housing unit which I am a porter at 9-1 are broken, their is mold and mildew on the wall, and ceilings, as well as holes, and stains. Attempts to clean them cant be done because the area is hard to reach and the facility does not give us the things we need to do it. In the month of January 2022 an inspector came with Dep Frost, and inspected thing, and was informed of the problems yet to date nothing has been done. The bathroom constantly has water because the pipes and toilets leak out sewage and waist causing hazardous conditions and health safety concerns that do not get addressed by the facility. There is an infestation in the dorm of roaches and mice and nats. This is my sworn testimony of the conditions we as inmates are forced to live in and grievances as well as the administration does nothing to correct or assist the issues.

Respectfully written by

Dayshawn Mitchell

2/22/22

Dayshawn Mitchell

Din: 19A2218

E-64

SWORN AFFIDAVIT

I am a inmate at Fishkill Correctional Facility and have multiple medical condition that consist of injuries to my right shoulder, left ankle/leg as well as mental health issues all requiring medication and the medical providers within this facility is severely inadequate. Failing to provide the proper medication and are Deliberately Indifferent to my as well as countless other inmates within this facility. I was approved to get medical boots well over a year ago and was fitted in October of 2021 and to date I have still not received my medical boots. I am suppose to also get surgery on my shoulder, which should have been done months ago, and to date I still have not gotten it. Numerous sick call request goes unanswered, and when I do get called nothing is done to help me with my pain and suffering. The medical staff and providers are Deliberately Indifferent to my medical needs, and grievances are ignored and do nothing to assist. Fishkill Correctional is a Medical facility, and there standard of care is below minimum standard of care and negligence is a common occurrence.

Respectfully submitted by

James Haney #08A4896
James Haney 2-2-22
E-65

Exhibit - O

Sworn Affidavit of the
Inadequacy of the Law
Library at Fishkill Correctional
Facility.

I am a incarcerated individual at Fishkill Correctional Facility, and go to the Law Library as many times as I can, but the library is extremely inadequate. They constantly have little to no supplies that are critically needed to access the court. The inmates that work at the Law Library does little to assist inmates due to them working on there own personal work, or legal work that other inmates are forced to pay for the assistance they are suppose to receive. The Law Library officers refuse to honor copy cards that have been used even if there funds available, and refuse to hand out supplies stating that they are short, and whats available are for their inmate staff. The problems at the law library impedes inmates attempts at accessing the court, and grievances do nothing to help in any way. I am signing this sworn affidavit for mr Rodriguez in hopes something could be done to change these facts

Respectfully submitted

E. Rodriguez 2-3-22

int #210705

E-66

Exhibit - P

Sick call request
Ignored

SICK CALL REQUEST FORM

Ralph Rodriguez
9-1

1-27-22
17A0928
MI

X

I have submitted
multiple sick call request
and have not been called
down to be seen. I am
having severe pain and need
to be seen

CU

E-67

Ralph Rodriguez
9-1

1-10-22
17A0928
Medical Idle

X

I am having Extreme
Pain in my Head, Neck, back
Knee, Ribs, Wrist and Ankle.
I have written multiple sick call
slips and still have not been
seen. I need to see a
Doctor
I'm in severe PAIN HELP

(E-68)

Ralph Rodriguez
9-1

1-3-22
17A0928
medical Idle

Urgent Sick call request

X

I have written to be seen
twice already because I am severely
injured and need medical attention.
I cant walk properly because C.E.R.T
severly injured my Knee and ankle, they
also injured my head, neck, back, ribs
and Im having severe migrains and
now my Jaw hurts and cant Eat

X

Please see me
as soon as possible

E-69

Ralph Rodriguez
a-1

1-1-22
17A0928
MI

X

I'm requesting to see the doctor because on 12-30-21 I was severely maliciously assaulted by 5 E.E.R.T officers and they severely injured my head, neck, back, ribs, arm, wrist, knee and ankle. I was seen by medical, given an ace Band only and was told to write sick call for medical attention.

I'm in Severe Pain and need medical attention. The nurse who seen me on 12-31-21 refused to take pictures of my assault.

CC1

E-70

Ralph Rodriguez
Din# 17A0928
Fishkill Correctional
Unit 9-1

1-1-22

Dear Ms Sullivan

I am writing to you because you are my
Provider, and know that on 12-30-21 I was
assaulted by about 5 C.E.R.T officers and
They severely injured my Head, Neck, Back
Ribs, Arm, wrist, knee and ankle. I was
only given an ace band, and need more
medical attention because now I'm having
Severe migraines and my Jaw hurts from
being slammed to the floor and hit repeatedly
with close fist. I also need my medical
limitations renewed.

Thank you
Respectfully

C.L.I

E-71

Ralph Rodriguez
Win # 17A0928
Unit 9-1

1-7-22

Ms Sullivan

I am writing to you because you never sent me my permit for the crouches and I already had an officer say something to me. Can you please send me the permit as soon as possible thank you for your time



~~Mr. Rodriguez~~ 1/19/22

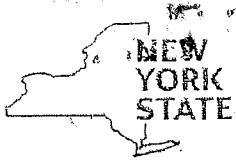
I just received your ankle xray - it is not broken. You do not need the crouches now, one week was sufficient. Please deposit at Side all

Thank
up Sullivan

(E-72)

Exhibit - Q

Ten's Unit Authorization



Corrections and Community Supervision

ANDREW M. CUOMO
Governor

ANTHONY J. ANNUCCI
Acting Commissioner

TO: Inmate

FROM: Five Points Medical Department

SUBJECT: New Permit Annual Renewal Permit

Original Start Date: 4/24/17

Current Start Date: 4/24/17

Permit Duration: 1 Year

Permit Expiration Date: 4/24/18

Inmate Name: Rodriguez, Ralph

Din #: 17 A 0928

Housing Location: 10-B1-09B

The above inmate has been evaluated and there is a medical need for: ☐ RA ☒ MED

TENS Unit with wires & electrodes

Serial # CE0086

D. Haines PA 4/24/17
Facility Health Services Director/Designee Date

Reviewed and Approved: [Signature] 4/24/17
Deputy Superintendent for Security Date

I acknowledge receipt of the permitted item described above. I understand I will be responsible for its proper use. Any misuse or damage caused by my negligence may result in revocation of the permitted item, financial reimbursement and disciplinary action.

Ralph Rodriguez 5-5-2017
Inmate Signature Date

Cc: Block 1st Officer Medical Records Office Medical File RA File (if appropriate)

E-73

Exhibit-R

12-30-21 and 12-31-21

Injury Report
missing

Facility claims to
have lost the Injury
Reports, but see Exhibit
I and K
medical documents proving
Injury



Corrections and Community Supervision

KATHY HOCHUL
Governor

ANTHONY J. ANNUCCI
Acting Commissioner

February 16, 2022

DIN 17A0928
CELL MB-09-120

RODRIGUEZ, Ralph

Re: FOIL Log No. FCF- 0047-2022

Dear R. Rodriguez:

This is in response to your New York State Freedom of Information Law request for "Copy of Injury Reports made on 12/30/21 and 12/31/21."

Please be advised, we conducted a diligent search, and the Department does not appear to have any responsive records. We are not required to create a document if it does not already exist.

Regards,

A handwritten signature in black ink, appearing to be "F. Wilbur", written over the word "Regards,".

F. Wilbur, OAIL/FOIL
Fishkill Correctional Facility
18 Strack Dr.
Beacon, NY 12508

CC: FOIL Records

If you do not agree with any part of this decision, you may appeal by writing the Office of the Counsel & FOIL Appeals Officer, NYS Department of Corrections and Community Supervision, The Harriman State Campus, 1220 Washington Avenue, Albany, New York, 12226-2050.

In appeal correspondence, please clearly note your name, DIN number, facility from which records were requested, and the FOIL Log Number provided.

E-75

RALPH RODRIGUEZ
DIN# 17A0928
FISHKILL CORRECTIONAL FACILITY
P.O BOX 307
BEACON, NEW YORK 12508

D

3-1-22

Dear John Morley

I am writing to you because on 12-30-21 and 12-31-21, I was severely injured by the Correctional Officers while in my housing unit 9-1 main. The officers were from C.E.R.T on 12-30-21 and On 12-31-21 the officer was ms Gibbon Alexandra Ayana whom action severely injured me as well. I requested a foil request for my injury report and medical records for both days and I was written back by Foil ms Gardner Anita H that both my injury reports were missing and not found. The sergeant on staff at medical that day was suppose to secure those injury reports and insure they were reported and failed to. I did recieve the medical records and on the medical record dated 12-31-21 all the information that the nurse ms Cujas Gifty N was completely fabricated and not correct. I had informed her clearly that while having severe injury to my ankle that was aced band up, and not being able to walk officer Gibbons told me to get off my bed because I had a double mattress and to stand staring at the wall, which I did so while in severe pain and after 20 minutes I had fell down injuring my head, neck back and further injuring my injuries.

She ms Gifty put in my medical records that I had fell in my buttox and did not hit my head and had no new injuries, all of which was a complete lie, she violated her medical oath as well as the HIPPA law, and I had already wrote a grievance but the grievance program here run by ms Reams is also corrupt, and

E-78

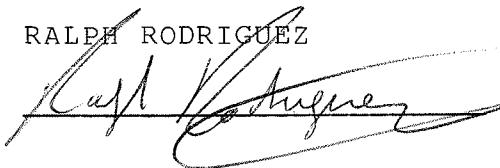
and job is to hide and cover up the wrong that the staff here at fishkill does. I am moving forward on a 1983 claim against the facility and all the personnel involved with the misconduct I had mentioned within this letter and writing you for assistance and to insure that my records reflect the facts of what happen and my injuries, and to possibly investigate why both my inury reports are gone. Please see Magalios v Peralta Southern Distric New york 19-CV-6188 Febuary 10,2022 in this case against fishkill correctional officers it was found that staff at fishkill was covering up the wrongful acts done by their staff and also was falsifiying records just like whats happening to me now.

I am humbly requesting you investigate the matter and inform the proper personnel to look into the matter as well.

Im sorry to have to burden you with this issue but what is going on in this facility is severe and cant be ignored.

Respectfully

RALPH RODRIGUEZ

A handwritten signature in black ink, appearing to read 'Ralph Rodriguez', written over a horizontal line.

C.C sent to Superintendent
Dep of health
Albany Chief Medical Officer
Governor of the state of new york

E-77

I have provided the medical records I recieved and a letter from foil stating that my injury report dont exist.

Now the medical records clearly shows I went to medical with a code green and was escorted by an officer, and if you review the medical documents youll see that the 12-31-21 report had been fabricated to reflect no new injuries and states I didnt hit my head and I fell on my buttox, all witch is a lie, I clearly stated I hit my head and have sworn affidavits by other inmate who seen me get injured. and youll see the dates have been falsified as well and should reflect the correct injuries, also the medical report dated 1-13-22 states that "no show sick call" at no time was I called and at no time didi I refuse any sick call callout. Can you please look into the matter of what I have stated in this letter and inform the proper personnel of these actions.

AMBULATORY HEALTH RECORD PROGRESS NOTE

Name <u>Rodriguez, Ralph</u>	DIN <u>17A0928</u>	Date of Birth <u>8/25/78</u>	Facility Name <u>EC</u>
---------------------------------	-----------------------	---------------------------------	----------------------------

Subjective: <u>43 y.o.m. 90 lb WOF</u> <u>R wrist pain + left ankle pain</u> Objective: <u>mild swelling R wrist pain</u> <u>during search by Cert team</u> Assessment: <u>R, O left ankle RUS S/m</u> <u>R, O R wrist fm</u> Plan: <u>Advise inmate to use crutches</u> <u>Advise inmate to use crutches</u> <u>Advise inmate to use crutches</u>	Last Name <u>Rodriguez, Ralph</u> DIN <u>17A0928</u> Location _____ Date <u>12/30/21</u> Time <u>4:30pm</u> Provider Orders: <u>Family hold down</u> <u>Acc wrap R wrist</u> <u>+ L ankle</u> <u>elevate left ankle</u> <u>cool compress 4x/day</u>
--	--

Subjective: <u>Code called. This writer responded</u> <u>to 9-1. Inmate observed sitting on</u> <u>Floor. States C.O. made him stand for</u> Objective: <u>20 minutes, he got tired and slipped</u> <u>down to floor. No new injuries sustained.</u> Assessment: <u>AAX3. VS 146/113, 109, 60, 97.2 spo2 98%.</u> <u>landed on buttocks. Denies hitting head.</u> Plan: <u>As per Dr. Hasen, offer inmate crutches, instruct in use of same.</u> <u>Advise him to drop sick call slip, see provider Monday. Inmate refused</u> <u>crutches, claims he is fine, able to ambulate S difficulty. Displays ability to</u>	Last Name <u>Rodriguez, Ralph</u> DIN <u>17A0928</u> Location <u>CC</u> Date <u>12-31-21</u> Time <u>6pm</u> Provider Orders: <u>Coping Ineffective</u> <u>Individual</u>
--	---

Subjective: <u>Ambulate independently S difficulty.</u> <u>States he will see provider on Monday.</u> <u>This writer offered to re-wrap acc to</u> Objective: <u>(R) wrist, (L) ankle. Inmate refused.</u> <u>Inmate left Rm ambulating S difficulty.</u> Assessment: <u>gymnasty</u> <u>Chart to provider for review.</u> Plan: _____	Last Name _____ DIN _____ Location _____ Date _____ Time _____ Provider Orders: _____
--	--

Signature/Provider # _____ RN Transcribing Order/Provider #/Date/Time _____	Signature/Provider # _____ RN Transcribing Order/Provider #/Date/Time _____
---	---

Continue entry into next box if necessary.

FORM 3105 (11/11)

STATE OF NEW YORK - DEPARTMENT OF CORRECTIONS AND COMMUNITY SUPERVISION
AMBULATORY HEALTH RECORD PROGRESS NOTE

Name	Rodriguez, Ralph	DIN	17A0928	Date of Birth	8/25/24	Facility Name	FC
Subjective:	434 100th 90th Park Swelling R neck			Last Name	Rodriguez, Ralph		
Objective:	Cough - phlegm lymph 159.5, 98.5, 181 mmHg soft			DIN	17A0928	Location	
Assessment:	lungs clear, chest xray 3, 5, 17 neg			Date	10/12/21	Time	10:00Z
Plan:	Repeat chest xray for smoking cessation Diffic. to get 4 years			Provider Orders:	smoking 10 rolls/day 15-20 yrs ASTHMA LBP ESR, refused lidocaine Patch T3/T4 325		
Signature/Provider #	[Signature]			RN Transcribing Order/Provider #/Date/Time	[Signature] 12/20/21 4:30 PM		
Subjective:	Esc			Last Name	Rodriguez		
Objective:	Inmate was brought down to the clinic for evaluation			DIN	17A0928	Location	9/1 - Clinic
Assessment:	"I was jumped by the coast in the morning 1-2 @ edema noted on the @ ankle. No pain. Pedal			Date	12/20/21	Time	4:30 pm
Plan:	pulse @. Drawing to wing right wrist and @ upper arm Toes warm. Encouraged elevation. Ace wrap applied to @ ankle. d mobile. Ice applied. Encouraged NW @ ankle. Seen by NP-Sullivan			Provider Orders:	Ace wrap applied to right @ ankle and right wrist.		
Signature/Provider #	Mukatt STB			RN Transcribing Order/Provider #/Date/Time	12/20/21 4:30 PM		
Subjective:				Last Name			
Objective:				DIN			
Assessment:				Date			
Plan:				Provider Orders:			
Signature/Provider #				RN Transcribing Order/Provider #/Date/Time			

Continue entry into next box if necessary.

E-80

AMBULATORY HEALTH RECORD PROGRESS NOTE

Name <u>Rodriguez, Ralph</u>	DIN <u>17A0928</u>	Date of Birth <u>8/25/78</u>	Facility Name <u>EE</u>
---------------------------------	-----------------------	---------------------------------	----------------------------

Subjective: <u>93 yr old E injury in</u> <u>① ankle, 2 wrist - R & L</u>	Last Name <u>Rodriguez</u> <u>Ralph</u> DIN <u>17A0928</u> Location _____ Date <u>11/09/21</u> Time <u>10:40 AM</u>
Objective: <u>on skin 12/30/21 during Falcia</u> <u>lock down. ① ankle less edema but tender</u>	
Assessment: <u>x-rays were read neg for fx but await official radiology</u> <u>report</u>	
Plan: <u>no work 6 weeks</u> <u>no case available for CE</u> <u>1 crutch Fitchell - gym to PT</u> <u>Continue Aircast</u> <u>+ all Rx</u>	
Signature/Provider # <u>[Signature]</u> RN Transcribing Order/Provider #/Date/Time _____	

Subjective: <u>[Signature]</u>	Last Name <u>Rodriguez, R</u> DIN <u>17A0928</u> Location _____ Date <u>1-13-22</u> Time <u>1pm</u>
Objective: NO SHOW SICK CALL	
Assessment:	
Plan:	
Signature/Provider # <u>[Signature]</u> RN 497 RN Transcribing Order/Provider #/Date/Time _____	

Subjective:	Last Name _____
	DIN _____ Location _____
	Date _____ Time _____
Objective:	Provider Orders:
Assessment:	
Plan:	
Signature/Provider # _____ RN Transcribing Order/Provider #/Date/Time _____	

Continue entry into next box if necessary.

Exhibit - 5

Sworn Affidavit of the
lack of medical care at
Fishkill Correctional facility

Im a inmate incarcerated a Fishkill Correctional Facility, and have severe medical issues, which include CROHNS DISEASE, and the facility has been giving me a different medication than what Ive always taken. This medication has severe side effects and causes me severe pain and suffering, all my attempts of getting my proper medication has failed and the medical staff has been Deliberately Indifferent to my medical needs and condition. I am making this sworn affidavit to R. Rodriguez so he can inform the proper authority and or Courts of this facilities actions and failure to act.

Respectfully submitted

X Damel Thomas
Print

2-5-22

X Damel Thomas
Sign

E-82

Exhibit - T

Request to receive
mental Health assistance.

Ralph Rodriguez
 Din # 17A0928
 Fishkill Correctional
 Housing unit 9-1
 1-1-22

Mental Health supervisor unit chief Jaffee

I am writing to you because on 12-30-21
 Estimated time of 6:45 Am C.E.R.T came
 into my housing unit and violently maliciously
 assaulted 7 inmates, myself included. I was
 picked up, thrown on the floor and 5 C.E.R.T officers
 violently assaulted me with closed fist. They
 hurt my head, neck, back, Arm, wrist, Ribs,
 knees and Ankle. I am traumatized and
 every time I hear banging or loud noises my
 heart starts racing and I have a panic
 attack, I have a mental health history and
 file and I need to speak to someone
 about what happened

(E-83)

Capt. K. A.

VERIFICATION

STATE OF NEW YORK)

) s.s.:

COUNTY OF DUTCHESS)

Ralph Rodriguez being duly sworn, deposes and says that he is the Petitioner in the within proceeding and that he has read the foregoing Petition and knows the contents thereof; that the same is true to his own knowledge except as to matters therein stated to be alleged on information and belief, and that as to those matters he believes it to be true.

Ralph Rodriguez

SWORN TO BEFORE ME THIS

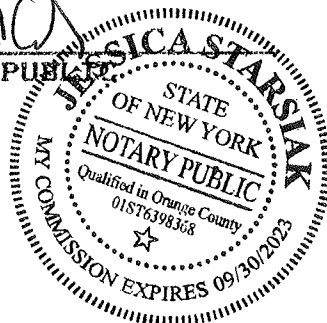
4th

DAY OF

March

2022

Jessica Starsiak
NOTARY PUBLIC



AFFIDAVIT OF SERVICE

STATE OF NEW YORK)

) S.S.:

COUNTY OF DUTCHESS)

Ralph Rodriguez, being duly sworn, deposes and states:

1. I am over the age of 18 and reside at Fishkill Correctional Facility, P.O. Box 1245, Beacon, New York 12508-8245.

2. On 3-4-22, I served the within: §1983
Complaint

upon:

at the following address: Attorney General
Department of Law, the Capitol, Albany NY 12224

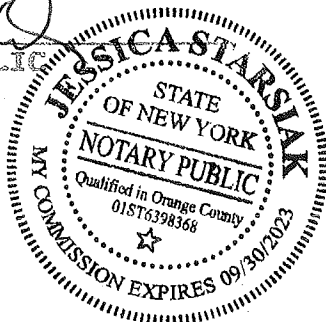
by depositing a true copy of the within in a post paid properly addressed wrapper, in an official depository under the exclusive care and custody of the Department of Correctional Services of New York.

Ralph Rodriguez

SWORN TO BEFORE ME THIS 4th

DAY OF MARCH, 20 22

Jessica Starsiak
NOTARY PUBLIC



{ Complaint under the civil
rights Act 1983 and the Americans
with Disability Act title II and
Section 504 of the Rehabilitation Act }

Ralph Rodriguez

Din#17A0928

Plaintiff

- AGAINST -

Edward Burnett et. Al.,

1/22

Ralph Rodriguez
Dm# 17A0928
Fishkill Correctional Facility
P.O. Box 307
Beacon New York 12508

United States District Court
Southern District of New York
Daniel Patrick Moynihan United States
Courthouse, Attention: Pro Se Department
500 Pearl Street
New York, New York 10007

Postage #
03/15/2022
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CORRECTIONAL
FACILITY
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MAR 16 2022
PRO SE OFFICE

Legal
Mail